

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

<u>2.02</u>	<u>Form of Government</u>
<u>2.04</u>	<u>City Council and Mayor</u>
<u>2.06</u>	<u>Elections</u>
<u>2.08</u>	<u>Council Meetings and Procedures</u>
<u>2.10</u>	<u>Code of Ethics for Officers and Employees</u>
<u>2.12</u>	<u>Administrative Regulations and Directives</u>
<u>2.14</u>	<u>Access to Public Records</u>
<u>2.15</u>	<u>Assistant City Manager</u>
<u>2.16</u>	<u>City Manager</u>
<u>2.18</u>	<u>City Attorney</u>
<u>2.22</u>	<u>Assessor</u>
<u>2.26</u>	<u>Department of Administration</u>
<u>2.27</u>	<u>Fire Department</u>
<u>2.30</u>	<u>Department of Public Safety</u>
<u>2.31</u>	<u>Discrimination Prohibited</u>
<u>2.34</u>	<u>Department of Public Works</u>
<u>2.38</u>	<u>Port and Harbors Department</u>
<u>2.50</u>	<u>Boards and Commissions Generally</u>
<u>2.52</u>	<u>Planning Commission</u>
<u>2.54</u>	<u>Port and Harbor Commission</u>
<u>2.64</u>	<u>Emergency Services</u>
<u>2.70</u>	<u>Personnel Administration</u>
Article I	General Provisions
Article II	Employee Conduct
Article III	Personnel Board
Article IV	Organization and Delegation of Authority
Article V	Classification of Positions
Article VI	Salary Administration
Article VII	Retirement
Article VIII	Disability and Health Insurance
Article IX	Recruitment
Article X	Selection
Article XI	Performance Evaluation
Article XII	Employee Development
Article XIII	Grievance Procedure
Article XIV	Leave
Article XV	Holidays With Pay
Article XVI	Separations
Article XVII	Special Provisions
Article XVIII	Travel Expenses
Article XIX	Prevention of Substance Abuse in the Workplace

Chapter 2.02

FORM OF GOVERNMENT

Sections:

- 2.02.010 Designated
- 2.02.020 Plan adoption
- 2.02.030 Organizational chart

2.02.010 Designated. The city of Whittier is a municipal corporation organized and existing as a city of the second class under the laws of the state. The city has adopted the council-manager form of government under the Alaska Statutes. (Prior code §1.20.010)

2.02.020 Plan adoption. The voters of the city adopted the City Manager Plan by an election held December 10, 1974. The powers and duties of the city manager shall be as prescribed by §29.20.500, Alaska Statutes. (Ord. 191-91 §1, 1991; prior code 2.15.020)

2.02.030 Organizational chart. The government of the city shall be organized as shown on the chart, which is attached to the ordinance codified in this section and included herein by reference. (Ord. 191-91 §2, 1991; Ord. 2-05-85, 1985; Ord. 9-20-84, 1984; Ord. 8-83A, 1984; prior code §2.15.040)

Chapter 2.04

CITY COUNCIL AND MAYOR

Sections:

- 2.04.010 Legislative power
- 2.04.020 Composition
- 2.04.030 Qualifications
- 2.04.040 Election—Terms.
- 2.04.050 Organization meeting
- 2.04.060 Compensation
- 2.04.070 Excused absences
- 2.04.080 Office of mayor
- 2.04.090 Mayor—Additional duties
- 2.04.100 Mayor—Election and term
- 2.04.110 Office of vice-mayor
- 2.04.120 Vice-mayor—Election and term
- 2.04.130 Mayor and vice-mayor-Succession
- 2.04.140 Vacancies Declared
- 2.04.150 Filling vacancies

2.04.010 **Legislative power.** The legislative power of the city is vested in the city council. (Ord. 8 §2 (part) 1985; prior code §2.10.010)

2.04.020 **Composition.** The council shall consist of seven members elected by the voters at large. (Ord. 8 §2 (part) 1985; prior code §2.10.020)

2.04.030 **Qualifications.**

A. The council members must be qualified electors of the city, and must have been domiciled in the city or territory annexed to the city for at least one year prior to the date of filing a nomination petition for election to council.

B. A council member who ceases to be eligible to be a city voter shall immediately forfeit his office.

C. All persons filing nominating petitions for city council seats must file a letter of intent stating that they will remain in the city for a period of at least one year.

D. If, for any reason, a council member moves away from the city, or territory annexed to the city, the council shall immediately declare his or her seat vacant.

E. The definition of "domicile" for the purpose of this section shall be: that place where a person's true, fixed and permanent home, to which the person, when absent, has the intent of returning. (Ord. 261-92 §2, 1992; Ord. 167-90 §1, 1990; Ord. 25, 1985; Ord. 8 §2 (part) 1985; prior code §2.10.030)

2.04.040 **Election—Terms.** An election shall be held annually on the first Tuesday of October, to choose council members for three-year terms and until their successors are elected and have qualified. The regular term of office begins at the organizational meeting on the next regular meeting more than seven days following the election. The terms of council members shall be staggered so that substantially the same number of terms commences annually. (Ord. 101-88 §2(A), 1988; Ord. 8 §2(part) 1985; prior code §2.10.040)

2.04.050 **Organization meeting.** At the next regular meeting, more than seven days following the election, the new council members shall be sworn in and seated. (Ord. 262-92 §2, 1992; Ord. 164-90 §1, 1990; Ord. 101-88 §2(B), 1988; Ord. 8 §2 (part) 1985; prior code §2.10.050)

2.04.060 **Compensation.** Council members shall serve without compensation. A council member's compensation shall not be changed during his term of office. (Ord. 8 §2 (part) 1985; prior code §2.10.060)

2.04.070 **Excused absences.**

A. A council member's absence from a regular council meeting may be excused only if:

1. The member is excused by motion of the council at a regular meeting;
2. The absence occurs because the member was conducting authorized business on behalf of the city, in which case the absence will be automatically excused and the excusable will be noted in the minutes of the meeting at which the absence occurred.

B. No council member may be excused from more than six regular meetings in a twelve-month period unless the additional absences are necessitated by:

1. Education related to the member's occupation or profession;
2. Travel required by the member's occupation or profession;
3. Conditions of the member's employment which are beyond his control; or
4. Any injury or illness of the member or a member of his family.

C. No council member may be excused from more than nine regular meetings in a twelve-month period unless the additional absences are necessitated by an injury or illness of the member. However, the additional absences shall not be excused if the council finds that the conduct of the city's business will be substantially impaired as a result of the absences.

D. Except as hereinafter provided, all council member requests for an excused absence must be made in writing, including electronic facsimile transmission, delivered to the city clerk.

E. In the event of an absence resulting from an event beyond the control of the council member, the council member, within fourteen days, may request in writing to be excused from a missed meeting. (Ord. 295-93 §2, 1993; Ord. 214-92 §1, 1991; Ord. 127-88 §2, 1988; Ord. 8 §2 (part) 1985; prior code §2.10.080; Ord. 424-01 § D2, 2001; Ord. 432-01 § 2B & 2C, 2001)

2.04.080 Office of mayor. The mayor shall preside at council meetings, act as ceremonial head of the city, and, upon authorization by council, sign documents on the city's behalf. (Ord. 8 §2 (part) 1985; prior code §2.10.100)

2.04.090 Mayor—Additional duties. The mayor shall, in addition to the powers and duties conferred on his office by Section 2.04.080:

- A. Direct and supervise the business of the city to assure that all ordinances and resolutions are executed;
- B. Sign the special assessment rolls;
- C. Act as chairman of the board of appeals for matters of building regulation;
- D. Act as chairman of the board of adjustment for matters of zoning regulation; and
- E. Act as chairman of the board of equalization for matters of taxation and special assessments. (Ord. 101-88 §2(C), 1988; Ord. 8 §2 (part) 1985; prior code §2.10.110)

2.04.100 Mayor—Election and term. The mayor is elected by and from the council at the organization meeting for a term of one year and until a successor is elected and has qualified. (Ord. 8 §2 (part) 1985; prior code §2.10.120)

2.04.110 Office of vice-mayor. Should the office of mayor become vacant, or if the existing mayor is disabled or unable to act, the vice-mayor shall serve until the mayor resumes his official duties, or until a new mayor is qualified. (Ord. 8 §2 (part) 1985; prior code §2.10.130)

2.04.120 Vice-mayor—Election and term. The vice-mayor is elected by and from the council at the organization meeting for a term of one year and until a successor is elected and has qualified. (Ord. 8 §2 (part) 1985; prior code §2.10.140)

2.04.130 Mayor and vice-mayor—Succession. Should the offices of mayor and vice-mayor become vacant, or should both the mayor and vice-mayor be absent or unable to perform the duties of the office of mayor, the order of interim succession shall be determined as follows:

A. The council member with the longest total period of tenure in office shall assume the office of mayor pro tempore.

B. Should more than one council member have the same period of tenure in office, that council member who received the largest plurality at the last election at which such council members were elected shall assume the office of mayor pro tempore. (Ord. 8 §2 (part) 1985; prior code §2.10.150)

2.04.140 Declared. An elected city office may be declared vacant by the city council when the person elected:

A. Fails to qualify and take office within thirty days after his election;
B. Is physically absent from the city for a ninety-day period, unless excused by the council;

C. Resigns and his resignation is accepted by the council;
D. Is physically or mentally unable to perform the duties of his office;
E. Is removed from office;
F. Misses three regular meetings of the council in a twelve month period, unless excused; or has absences in excess of those permitted by Whittier Municipal Code Section 2.04.070: or

G. Is convicted of a felony or of an offense involving a violation of his oath of office. (Ord. 535-08, 2008; Ord. 8 §2(part), 1985; prior code §2.10 070; Ord. 432-01 §3F, 2001)

2.04.150 Filling vacancies.

A. A vacancy in the council shall be filled by a vote of its remaining members. The person selected to fill the vacancy shall serve until the next regular election and until a successor is elected and has qualified. The elected successor shall serve for the remainder of the term of the vacated office.

B. Not more than thirty days after a vacancy occurs, the remaining members shall meet in a regular or special meeting; each member shall cast a vote for a successor to serve as provided in this section. A majority of such votes shall decide the contest.

C. In the event of a tie vote between persons receiving the highest votes, or a failure of any person to receive a majority vote, the procedure provided in subsection B of this section shall be repeated once. In the event of a second tie vote between persons receiving the highest votes, the tie vote shall be broken by a single coin toss. (Ord. 535-08 2008; Ord. 185-91 §1, 1985; Ord. 8 §2(part) 1985; prior code §2.10.090).

Chapter 2.06

ELECTIONS

Sections:

<u>2.06.010</u>	<u>Incorporation of state and federal law</u>
<u>2.06.020</u>	<u>Candidate nomination—Nomination by petition</u>
<u>2.06.025</u>	<u>Candidate nomination—Identification of petitioners</u>
<u>2.06.030</u>	<u>Candidate nomination—Nomination petition form</u>
<u>2.06.040</u>	<u>Candidate nomination—Nomination petitions-Filing</u>
<u>2.06.050</u>	<u>Candidate nomination—Notification</u>
<u>2.06.060</u>	<u>Candidate nomination—Withdrawal</u>
<u>2.06.070</u>	<u>Annual election—When held</u>
<u>2.06.080</u>	<u>Special election—Notice</u>
<u>2.06.090</u>	<u>Notice—Publication and posting</u>
<u>2.06.100</u>	<u>Notice—Contents</u>
<u>2.06.110</u>	<u>Officials—Clerk appointment</u>
<u>2.06.120</u>	<u>Officials—Precinct appointments</u>
<u>2.06.130</u>	<u>Officials—Replacement appointment</u>
<u>2.06.140</u>	<u>Officials—Qualifications</u>
<u>2.06.150</u>	<u>Officials—Oath</u>
<u>2.06.160</u>	<u>Voting precincts</u>
<u>2.06.170</u>	<u>Candidates to run at large</u>
<u>2.06.180</u>	<u>Ballots—Form</u>
<u>2.06.190</u>	<u>Ballots—Preparation and distribution</u>
<u>2.06.200</u>	<u>Materials—Preparation and distribution</u>
<u>2.06.210</u>	<u>Voting machines</u>
<u>2.06.220</u>	<u>Opening and closing of the polls</u>
<u>2.06.230</u>	<u>Absentee voting—Eligibility</u>
<u>2.06.240</u>	<u>Absentee voting—Application</u>
<u>2.06.250</u>	<u>Absentee voting—Verification of application</u>
<u>2.06.260</u>	<u>Absentee voting—Envelope construction</u>
<u>2.06.270</u>	<u>Absentee voting—Return envelope form</u>
<u>2.06.280</u>	<u>Absentee voting—Recordation</u>
<u>2.06.290</u>	<u>Absentee voting—Casting ballot</u>
<u>2.06.300</u>	<u>Voting procedure</u>
<u>2.06.310</u>	<u>Defective and unused ballots</u>
<u>2.06.320</u>	<u>Counting ballots</u>
<u>2.06.330</u>	<u>Stringing, preserving and destroying ballots</u>
<u>2.06.340</u>	<u>Certification of ballots</u>
<u>2.06.350</u>	<u>Absentee ballot—When validly received</u>
<u>2.06.360</u>	<u>Canvass of returns and certification of election</u>
<u>2.06.370</u>	<u>Oath of office</u>
<u>2.06.380</u>	<u>Offenses and corrupt practices</u>
<u>2.06.390</u>	<u>Time off for voting</u>
<u>2.06.400</u>	<u>Contest of election</u>

2.06.410 Canvass report—Election certification

2.06.420 Expenses

2.06.430 Violation—Penalty

2.06.010 Incorporation of state and federal law. All provisions of the Constitution of the United States, the Constitution of the state of Alaska, and any laws enacted pursuant to said constitutions affecting city elections, are incorporated in this chapter as if fully set out herein. (Ord. 535-08 2008; Prior code §4.05.010)

2.06.020 Candidate nomination—Nomination by petition. Nominations for elective officers shall be made only by petition signed by ten registered voters who must be qualified electors of the city, domiciled in the city or territory annexed to the city for at least thirty days prior to the date of signing the petition. (Ord. 535-08 2008; Ord. 201-91 §1, 1991; Ord. 164-90 §2, 1990; prior code §4.05 020(a))

2.06.025 Candidate nomination—Identification of petitioners. Each registered voter signing a nomination petition, shall in addition thereto, print his or her name, and state his or her place of physical residence, by street and number, apartment number if applicable, lot and block, or other sufficient means, and telephone number if applicable. (Ord. 535-08 2008; Ord. 201-91 §2, 1991)

2.06.030 Candidate nomination—Nomination petition form. Nomination petitions shall be in substantially the following form

NOMINATION PETITION

We, the undersigned, qualified voters of the City of Whittier, Alaska, hereby nominate and sponsor _____, whose residence is _____ in the City of Whittier, for the office of _____, Seat _____, for a term of ____ years, to be voted for at the election to be held on the ____ day of _____, _____. We, individually, certify that we are qualified electors of the city, that we are qualified to vote for a candidate for the office this candidate seeks, and that we have not signed other nominating petitions for this office exceeding in number the vacancies in this office to be filled in this election.

Signature &

printed name:

block,

other location): _____

Physical Address:

Date:

street, apartment, lot and

or

Signed

1. _____

2. _____

3. _____

(spaces for a minimum of 10 signatures)

ACCEPTANCE OF NOMINATION

I, the person named in the within petition, accept the above nomination, certify that I possess the qualifications required by Section 2.04.030, Whittier Municipal Code, and agree to serve if elected.

My name should be placed on the ballot to read as follows:

(please print)

My mailing address is: _____ My residence address is: _____

P. O. Box _____
Whittier, Alaska 99693 Whittier, Alaska 99693

My telephone number is: Days _____ Evenings _____

Signature of Candidate

CERTIFICATE OF FILING

The within petition is filed by _____, whose address is _____
_____ Whittier, Alaska 99693.

FILED on the ____ day of _____, _____, at ____ o'clock in the _ . M.

City Clerk, City of Whittier

By: _____, Deputy

(Ord. 535-08 2008; Ord. 201-91 §3, 1991; Ord. 164-90 §3, 1990; prior code §4.05.020(b))

2.06.040 Candidate nomination—Nomination petitions—Filing.

Nominating petitions must be completed and filed with the city clerk from August 1, through August 15th at five p.m. In the event August 15th falls on a Saturday or Sunday, then the petition must be filed no later than twelve noon on the first Monday following August 15th. The city clerk shall record on the face of the petition itself the name and address of the person filing the petition, and the date and time it was filed. All petitions shall be preserved by the city clerk and eventually destroyed as provided by this chapter for destruction of ballots. (Ord. 535-08 2008; Ord. 164-90 §4, 1990; prior code §4.05.020(c))

2.06.050 Candidate nomination—Notification.

A. Within four days after the filing of a nominating petition, the city clerk shall notify the candidate named in the petition and the person who filed the petition whether it is in the proper form and signed by ten qualified electors. Nothing in this

section alters or amends the City Clerk's authority to determine a candidate's qualifications as provided for in Section 2.50.055

B. If the petition is found defective for any reason the City Clerk shall immediately return it to the person who filed it, with a statement certifying wherein the petition is deficient, and shall send a copy of the statement to the proposed candidate.

C. A new petition for the same candidate may be filed within the times prescribed for filing petitions. (Ord. 535-08 2008; Ord. 399-99 §2 1999; Ord. 201-91 §5 1991)

2.06.055 Determination of Candidate Qualifications.

The City Clerk shall determine whether each candidate for municipal office is qualified as provided by law. At any time before the election, the City Clerk may disqualify any candidate whom the City Clerk finds is not qualified. A candidate who is disqualified may request a hearing before an independent hearing officer appointed by the City Council. The hearing shall be held no later than ten days following a request by a disqualified candidate, unless the candidate and the City Clerk agree in writing to a later date. The hearing shall be conducted in accordance with the procedures provided for in A.S. 44.62.450(c) and (d), A.S. 44.62.460, A.S. 44.62.620, and A.S. 44.62.630. (Ord. 535-08 2008; Ord. 399-99 §3 1999)

2.06.060 Candidate nomination—Withdrawal. Any candidate nominated for office by a nomination petition may withdraw their candidacy no later than thirty days before the election. (Ord. 535-08 2008; Ord. 201-91 §6, 1991; Ord. 164-90 §5, 1990; prior code §4.05.020(e))

2.06.070 Annual election—When held. Annually, on the first Tuesday of October of each year, a general election shall be held in the city for the election of vacant city offices, and for the determination of other matters as may regularly be placed on the ballot. (Ord. 535-08 2008; Prior code §4.05.030(a))

2.06.080 Special election—Notice. The council may call a special election at any time upon twenty days' prior notice, which notice shall be made substantially in the manner provided by Title 15, Alaska Statutes. (Ord. 535-08 2008; Prior code §4.05.030(b))

2.06.090 Notice—Publication and posting. The city election official shall cause to be published a notice of election, in a newspaper of general circulation in the city. The notice shall also be posted in three conspicuous places in the city. The publication, and the posting, shall be accomplished at least thirty days before the election, except when the election is a special election. (Ord. 535-08 2008; Prior code §4.05.030(d))

2.06.100 Notice—Contents. Notices of election prescribed by the provisions of this chapter shall state:

- A. The date of the election
- B. The time of opening and closing the polling places;
- C. The location of polling places;

- D. The qualifications of voters:
1. A person may vote only if he/she is a United States citizen;
 2. Is eighteen years of age or older;
 3. Has been a resident of the state and of the election district in which he seeks to vote for at least thirty days just before the election; and
 4. Has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction.
- E. The type of election, general or special;
- F. The offices to be filled or propositions submitted to the electors. (Ord. 535-08 2008; Ord. 164-90 §7, 1990; prior code §4.05 030(e))

2.06.110 Officials—Clerk appointment. The city clerk is appointed city election official. Any properly authorized assistant to the city clerk shall be an assistant city election official and may perform any functions set out in this chapter as being performed by the city and will be appointed by city council. (Ord. 535-08 2008; Prior code §4.05.040(a))

2.06.120 Officials—Precinct appointments. Before each election, the council shall appoint three judges in each precinct to constitute the election board for that precinct, and may appoint two election clerks for each precinct. One judge in each precinct shall be designated chairman by the council and shall be primarily responsible for administering the election in that precinct. In a precinct where a voting machine is used, two of the appointed judges may also serve as the election clerks. The city election official may appoint up to three additional election clerks at any polling place where additional election clerks are required to conduct an orderly election or to relieve the judges or clerks serving of undue hardship. (Ord. 535-08 2008; Prior code §4.05.040(b))

2.06.130 Officials—Replacement appointment. If any judge or clerk fails or refuses to attend and serve, the election judges of the precinct shall appoint a person eligible under Sections 2.50.110 through 2.50.150 to serve in the absentee's place. (Ord. 535-08 2008; Prior code §4.05.040(c))

2.06.140 Officials—Qualifications. Each judge or clerk must be a qualified voter of the city. (Ord. 535-08 2008; Prior code §4.05.040(d))

2.06.150 Officials—Oath. The judge designated as chairman in a precinct shall appear before the city clerk and take the following oath:

I, _____, do solemnly swear (or affirm) that I will support the Constitutions of the United States and State of Alaska, and the laws and ordinances of the City of Whittier, State of Alaska, and that I will faithfully and honestly perform the duties of the office of _____ so help me God.

and then shall administer the same oath to the other judges and clerks in such precinct. (Ord. 535-08 2008; Prior code §4.05.040(e))

2.06.160 Voting precincts.

- A. The council may create voting precincts.
- B. The voting places shall be specified by the city election official (Ord. 535-08 2008; Prior code §4.05.050)

2.06.170 Candidates to run at large. City council candidates shall run at large. (Ord. 535-08 2008; Prior code §4.05.060)

2.06.180 Ballots—Form.

A. The names of all offices and candidates to be voted upon shall be printed on one ballot. The title of each office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot.

The words "Vote for not more than _____" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. The names of candidates shall be printed as they appear upon the petitions filed with the city election official, except that any honorary or assumed title or prefix shall be omitted. The names of candidates shall be arranged alphabetically and, their positions changed from one ballot to the next as required by the laws of the state of Alaska for state elections.

B. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "yes" and "no" shall be placed below the statement of each proposition and question.

C. The ballot shall be on plain white paper, through which printing and writing cannot be read. The printing on the face of the ballot shall be not less than one-eighth of an inch, nor more than one-fourth of an inch in height. At the beginning of each line containing a name of a candidate or a blank space, and preceding each of the words "yes" and "no," there shall be a printed square the sides of which are at least one-fourth of an inch in length. The city election official shall keep a record of the numbers of the ballots delivered to each polling place, the signature of the person to whom each group of ballots is delivered, and the time of each delivery. The ballots shall be numbered in series, a number being placed on one corner of each ballot within an area set off by perforations which may conveniently be removed from the remainder of the ballot, and which will be clearly visible although the ballot is folded so as to conceal the manner in which it has been marked by the voter.

D. On the back or outside of the ballot, placed so as to be clearly visible when the ballot is folded shall appear the words "official ballot" in large print, the date of the election, and a facsimile signature of the city election official causing the ballots to be printed. (Ord. 535-08 2008; Prior code §4.05.070)

2.06.190 Ballots—Preparation and distribution. The city election official shall have ballots printed for each election and in his/her possession at least fifteen days before the election. (Ord. 535-08 2008; Ord. 164-90 §8, 1990; prior code §4.05.080)

2.06.200 Materials—Preparation and distribution.

A. The city election official shall equip each precinct-polling place with sufficient materials and supplies needed for the election, including those required by this section, before the opening of the polls.

B. The city election official shall publish instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from judges and clerks, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and prominently displayed. The city election official shall have sample ballots, identical in form to the ballots to be used in the election, printed on colored paper. The city election official shall provide booths at each polling place, with appropriate supplies and conveniences to enable each voter to mark his ballot screened from observation. At least three sides of each booth shall be enclosed. Ballot boxes shall be placed outside of the voting booths within plain view of the judges and clerks, voters, and other persons at the polling place. (Ord. 535-08 2008; Prior code §4.05.090)

2.06.210 Voting machines. Voting machines may be used in addition to or instead of paper ballots in any election. The laws of the state of Alaska concerning voting machines are incorporated in this chapter as fully set out herein, except for provisions conflicting with this chapter. All necessary supplies for the assistance of voters such as sample ballots shall be provided in the same manner as where paper ballots are used. (Ord. 535-08 2008; Prior code §4.05.100)

2.06.220 Opening and closing of the polls. The polls in each voting precinct shall be open from seven a.m. until eight p.m. on all election days for the purpose of voting. (Ord. 535-08 2008; Ord. 83-88 §2, 1987; prior code §4.05.030(c))

2.06.230 Absentee voting—Eligibility. Any qualified voter, who expects to be absent from the city or who will be unable to vote there by reason of physical disability on the day of any election, may cast an absentee ballot. (Ord. 535-08 2008; Prior code §4.05.110(a))

2.06.240 Absentee voting—Application.

A. Any voter entitled to cast an absentee ballot may file his written application for an absentee ballot with the city election official in either of the two following ways:

1. In person, not more than fifteen days before an election nor later than noon on the day before an election;
2. By mail, the written application must be received by the city election official not more than six months, nor less than seven days before election for which the absentee ballot is sought.

B. The application shall show the applicant's place of residence, clearly indicate the applicant's right to an absentee ballot, and be signed by the applicant. (Ord. 535-08 2008; Ord. 164-90 §9, 1990; Ord. 52-74 §1, 1974; prior code §4.05.110(b))

2.06.280 Absentee voting—Recordation. Upon issuing an absentee ballot, the city election official shall enter on the application the number of and the date of personally delivering or mailing the ballot. Before the election, the city election official shall give to the election board a list of voters from that precinct who have been issued absentee ballots. When the council meets to canvass the election, the city election official shall give it a list of the numbers of all absentee ballots issued by him and not returned unvoted. (Ord. 535-08 2008; Prior code §4.05.110(f))

2.06.290 Absentee voting—Casting ballot.
A. Any voter issued an absentee ballot may at any time prior to closing of the polls on the day of the election for which it is issued, appear at the office of the city election official, and there cast his ballot in the following manner: The voter first shall show the city election official that his ballot has not been marked, then shall mark the ballot with pen and ink or indelible pencil in the presence of the city election official, in such a manner that the city election official cannot see how it is marked. The voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the city election official. The city election official shall certify to the affidavit printed on the return envelope, write or stamp his name across the seal, and retain the envelope in his custody to be delivered to the council for canvassing.

B. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner he would cast it in the office of the city official under this section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the city election official.

C. If a voter issued an absentee ballot returns to his precinct on the Election Day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope, issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the city election official by the election board with other ballots not used in the precinct. (Ord. 535-08 2008; Prior code §4.05.120)

2.06.300 Voting procedure.
A. Before receiving any ballots the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. Thereafter the box shall not be opened again until the polls finally close, and shall not be removed from the polling place, nor the presence of persons assembled at the polling place, until all ballots have been counted.

B. A voter shall give the judges and clerks his name, and place his signature and the date on the first available line of the registration book. If any judge or clerk present believes the voter is not identifiable, he immediately shall challenge the voter.

C. He shall be given one ballot and shall retire alone to a voting booth. There the voter without undue delay shall prepare his ballot by marking with pen and ink or indelible pencil the appropriate boxes opposite the names of candidates of his choice, whether printed on the ballot or written by him on the blank lines provided for the purpose, and the appropriate boxes for questions and propositions. Before leaving the

voting booth, the voter shall fold his ballot in a manner displaying the number thereon and deliver it to one of the judges or clerks, who shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks. A judge or clerk shall announce that the voter has voted.

D. A voter who by accident or mistake mutilates or spoils his ballot shall, upon returning the same to the judges and clerks, be given another. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge or clerk if he requests such assistance.

E. Thirty-minutes before the closing of the polls a judge or clerk shall proclaim to any persons present the time remaining before the polls close. When the polls are closed that fact shall be proclaimed, and thereafter no ballots shall be received except those of qualified voters already present at the polls and waiting to vote when the polls are closed. (Ord. 535-08 2008; Prior code §4.05.130)

2.06.310 Defective and unused ballots. If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted. Failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine from an inspection of the ballot the person for whom the voter intended to vote and the office intended to be designated by the voter. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made shall be marked "objected to" on the back thereof. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents. All ballots not voted and all ballots mutilated or spoiled by voters shall be returned by the judges to the city election official, who shall give a receipt therefore and keep a record of the number and character of ballots returned to him, indicating when and by which each was returned. (Ord. 535-08 2008; Prior code §4.05.140)

2.06.320 Counting ballots.

A. The opening of the ballot box and the counting of ballots shall be accomplished in public at the polling in full view of any persons assembled.

B. Immediately following the closing of the polls in each precinct, the judges shall open the ballot box and count the number of ballots cast. This number shall be checked against the number of signatures in the registration book. All ballots then shall be replaced in the ballot box.

C. The ballots shall again be removed from the ballot box, one by one, by the election judges. As each ballot is removed, it shall be opened, and the name of each person voted for read aloud. The judges shall write down each office to be filed and the name of each person who is a candidate for such office, and shall keep the number of votes by tallies, as they are read aloud. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book to have been cast in the precinct, the ballots shall be recounted until the election board finds that there is a discrepancy or that the number of ballots cast matches the number of ballots indicated by the duplicate registration card tally. If a discrepancy is determined to exist it

shall be explained in detail on the tally paper or papers and such explanation shall be signed by the judges. (Ord. 535-08 2008; Prior code §4.05.150)

2.06.330 Stringing, preserving and destroying ballots.

A. The judges shall string the ballots as they are counted, and upon completion of the counting shall place them in a sealed envelope and write thereon:

Ballots of regular (or special) election of the City of Whittier,

held this _____ day of _____.

B. The chairman then shall deliver the envelope to the city election official, who shall deliver the same to the council when requested by it, and otherwise shall keep the envelope unopened for one year from the date of the election, to be used only as evidence when called for in case of contest. Upon the expiration of the year, the city election official shall destroy the ballots upon notification of council, and shall annotate which materials are destroyed in the permanent records disposition file of the city. The destruction of ballots shall be by such means as the city election official deems adequate. (Ord. 535-08 2008; Ord. 83-88 §3, 1987; prior code §4.05.160)

2.06.340 Certification of ballots. When all the votes have been counted, the judges shall draw a certificate upon, or attach a certificate to, each of the papers containing the poll lists and tallies, stating the number of votes each candidate received for each office. Each judge shall sign the certificate. The certificate, tallies or tally papers, numbers removed from ballots, oaths of judges, and other papers shall be sealed in envelopes by the judges marked "election returns" which shall forthwith be delivered to the city election official who shall receive them at the polling place. (Ord. 535-08 2008; Prior code §4.05.170)

2.06.350 Absentee ballot—When validly received. To be counted in the election, the city election official must receive an absentee ballot before the election ballots are canvassed by the council. Return envelopes received after such time by the city election official shall be marked "invalid" by him, and the time and date of receipt by him shall be noted thereon. Such envelopes shall be retained with other election records and destroyed with them as provided by this chapter for destruction of ballots. (Ord. 535-08 2008; Prior code §4.05.180)

2.06.360 Canvass of returns and certification of election.

A. On the first Tuesday after each election the council shall meet in a public session and canvass all election returns and certify the election.

B. Absentee ballots shall be counted by the city election official and two or more assistants appointed by him in the following manner: All ballot envelopes shall be removed from return envelopes, and placed in a ballot box. The return envelopes shall be delivered to the city election official. The absentee ballots then shall one by one be removed from the ballot box, taken out of the ballot envelopes, and counted in the same manner in which ballots cast at the polls are counted by an election board. Such counting shall be done prior to the convening of the canvass board at a time and place designated by the city council and shall be accomplished in full view of any persons assembled.

C. The city election official shall preserve the return envelopes delivered to him by the election board with other election records and eventually destroy them as

provided by this chapter for destruction of ballots. (Ord. 535-08 2008; Ord. 164-90 §10, 1990; prior code §4.05.190)

2.06.370 Oath of office. All officers elected before entering upon the duties of office shall take and subscribe the following oath and affirmation:

I _____ do solemnly swear (or affirm) that I will support the Constitutions of the United States and State of Alaska, and the laws and ordinances of the City of Whittier, State of Alaska, and that I will faithfully and honestly perform the duties of the office of _____, so help me God. (Ord. 535-08 2008; Prior code §4.05.200)

2.06.380 Offenses and corrupt practices. The following acts are election offenses and corrupt practices and prohibited:

A. Inducing, compelling, or attempting to induce or compel any person to vote or refrain from voting for any candidate in any election or for or against any election proposition or question by, directly or indirectly, using or threatening to use force, coercion, violence or restraint or inflicting or threatening to inflict damage, harm, or loss upon or against the person;

B. Giving, promising to give, or offering any money or other valuable thing to any person with the intent to induce him to vote for or restrain from voting for any candidate or for or against any election proposition or question;

C. Printing or circulating, or causing to be written, printed or circulated, any letter, circular, bill, placard or poster, or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face, the name and address of the author, printer, and publisher thereof;

D. Writing, printing or circulating, or causing to be written, printed or circulated, any letter, circular, bill, placard or poster, or causing any paid advertising to be placed in a newspaper or any other publications, or paying or contributing to the payment for any such advertisement, or making any radio or television broadcast, with knowledge that the letter, circular, bill, placard, or broadcast contains any false statement, charge or comment relating to any candidate at any election or to any election proposition or question;

E. Possession of an official ballot outside of the voting room by any person not authorized by law;

F. While the polls are open, opening any ballot received from a voter, or marking a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempting to learn how any voter marked his ballot, by an election judge or clerk or by any other person with his permission;

G. Publishing or causing to be published any letter, circular, poster, bill, publication, or placard, knowing that it contains any false statement or false charges reflecting on the character, morality, or integrity of any candidate at any election;

H. Voting or attempting to vote in the name of another person or in any name other than his own;

I. By force, threat, intimidation, or offer of reward, inducing or attempting to induce any election judge or clerk to fail in his duty;

J. Willfully changing or causing to be changed any official election documents including ballots, tallies, and returns, or attempting to do so;

- K. Willfully delaying or causing to be delayed the election returns, or attempting to do so;
- L. Willfully voting or attempting to vote more than once at the same election;
- M. Willfully making a false affidavit or swearing falsely under oath required by this chapter;
- N. Willful failure to perform any election duty or knowingly doing any unauthorized act with the intent to affect the election or its results, by any judge or clerk;
- O. Willfully permitting, making or attempting to make any false count of the election returns by an election judge or clerk;
- P. Willful concealment, withholding, or destruction of the election returns or any attempt to do so by an election judge or clerk;
- Q. Electioneering on Election Day within the polling place or within two hundred feet of same. (Ord. 535-08 2008; Ord. 83-88 §4, 1987; prior code §4.05.210)

2.06.390 Time off for voting. Any qualified voter who does not have sufficient time outside his working hours within which to vote on any city election may, without loss of pay, take off as much working time as will enable him to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of his regular shift, or between the end of his regular working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote. (Ord. 535-08 2008; Prior code §4.05.220)

2.06.400 Contest of election.

- A. Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition.
- B. The candidate or the voters initiating a contest shall appear before the council at the meeting held to canvass the election returns, and there shall deliver to the council a written notice of contest. The notice shall state the grounds of contest in detail, shall be signed under oath by the candidate or voters filing it, and shall be in substantially the following form:

Notice of Election Contest

The undersigned contest the regular (or special) election of the City of Whittier held on the ____ day of _____, _____, on the following grounds: (Allow ten spaces)

Signature(s) of candidate or person(s) contesting election.
(Allow ten spaces)

SUBSCRIBED AND SWORN TO before me, this ____ day of _____, _____.

Notary Public for Alaska

C. Upon receiving a notice of contest, the council shall order an investigation to be made with the assistance of the city election official and city attorney. Those contesting the election, those whose election is contested and the public shall be allowed to attend all investigation and recounting procedures.

D. If only a recount of ballots is demanded, the election board in the precinct where error allegedly occurred shall recount the ballots in such precinct.

E. If the contestant charges a candidate obtained votes or a proposition was voted for or against, by reason of prohibited practices, and the charges are proved to and sustained by the council, the council shall to the extent of such proof purge the illegally induced votes from the returns and after a recount certify the amended returns. (Ord. 535-08 2008; Prior code §4.05.240)

2.06.410 Canvass report—Election certification.

A. If the council concludes that the election was validly held, such conclusion shall be publicly announced and entered upon the minutes of the meeting. The minutes shall also include the number of votes cast in the election, the names of the persons voted for and the propositions and questions voted upon at such election, the offices voted for, the number of votes cast for each candidate for each office, and the number of votes for and against each proposition and question voted upon. If the council concludes that the election is not valid it shall order another election.

B. Upon completion of the canvass of a valid election, the council shall direct the city election official to deliver to each person elected to office a certificate of election signed by the city election official and city manager and authenticated by the seal of the city. (Ord. 535-08 2008; Prior code §4.05.250)

2.06.420 Expenses. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wage due judges and clerks. The council shall set salaries for the election judges and clerks and shall not be less than that paid by the city of Anchorage. However, all expenses of making a recount pursuant to an election, unless the results of the election are changed by the recount. If voters obtain the recount, each of them shall be individually liable for the whole amount of such expense. (Ord. 535-08 2008; Prior code §4.05.260)

2.06.430 Violation—Penalty.

A. Violation of any provision of Section 2.50.380 is a misdemeanor and punishable by a fine not to exceed five hundred dollars.

B. Any person elected to any city office is convicted of a corrupt practice or election offense as provided herein, shall be punished, in addition to any other punishment, by being deprived of the office or position and the vacancy shall be filled as any other vacancy. (Ord. 535-08 2008; Ord. 101-88 §2(F), 1988; prior code §4.05.230)

Chapter 2.08

COUNCIL MEETINGS AND PROCEDURES*

Sections:

<u>2.08.010</u>	<u>Regular Meetings</u>
<u>2.08.020</u>	<u>Special Meetings</u>
<u>2.08.030</u>	<u>Work Sessions</u>
<u>2.08.040</u>	<u>Executive Sessions</u>
<u>2.08.050</u>	<u>Quorum</u>
<u>2.08.055</u>	<u>Public hearings</u>
<u>2.08.060</u>	<u>Manner of taking action</u>
<u>2.08.065</u>	<u>Public notice for actions requiring a public hearing</u>
<u>2.08.070</u>	<u>Rules of procedure—Adoption</u>
<u>2.08.080</u>	<u>Presiding officer</u>
<u>2.08.085</u>	<u>Agenda—Duty of clerk to publish</u>
<u>2.08.090</u>	<u>Agenda—Order of business</u>
<u>2.08.095</u>	<u>Agenda—Order of business—Special meetings</u>
<u>2.08.100</u>	<u>Minutes</u>
<u>2.08.110</u>	<u>Rules—Amendment, suspension and violation</u>
<u>2.08.120</u>	<u>Rules—Speaking, rules of conduct</u>
<u>2.08.130</u>	<u>Rules—Point of order</u>
<u>2.08.140</u>	<u>Rules—Motions—Second required</u>
<u>2.08.150</u>	<u>Rules—Motions—Disposition, withdrawal</u>
<u>2.08.160</u>	<u>Rules—Motions—Question under debate, motions received</u>
<u>2.08.170</u>	<u>Rules—Motions—Putting questions in order moved</u>
<u>2.08.180</u>	<u>Rules—Motions—Ordering previous question</u>
<u>2.08.190</u>	<u>Rules—Motions—Reduction to writing</u>
<u>2.08.200</u>	<u>Rules—Motions—Amending amendments</u>
<u>2.08.210</u>	<u>Rules—Motion to reconsider</u>
<u>2.08.220</u>	<u>Rules—Motions—Rescinding vote</u>
<u>2.08.230</u>	<u>Rules—Voting</u>
<u>2.08.240</u>	<u>Rules—Clerk—Duties</u>
<u>2.08.250</u>	<u>Rules—Addressing the council by the public</u>
<u>2.08.260</u>	<u>Rules—Decorum by the public</u>
<u>2.08.270</u>	<u>Ex officio sergeant-at-arms</u>
<u>2.08.280</u>	<u>Acts required to be by ordinance</u>
<u>2.08.290</u>	<u>Ordinances—Form</u>
<u>2.08.300</u>	<u>Ordinances—Procedure</u>
<u>2.08.310</u>	<u>Emergency ordinances</u>
<u>2.08.320</u>	<u>Codes of regulations—Adoption</u>
<u>2.08.330</u>	<u>Resolutions</u>
<u>2.08.340</u>	<u>Printing, publication, codification</u>

2.08.010 Regular Meetings.

A. Regular meetings of the City Council shall convene at the City Council Chambers in the Public Works “P-12” Building, or any other designated place as may be approved by a majority vote of the City Council, on the first and third Tuesday of each month at the hour of 7:00 p.m. All regular meetings shall be promptly adjourned no later than 11:00 p.m. of the same evening unless a majority vote of the City Council approves a later adjournment. If all agenda items of the regular meeting are not able to be heard prior to adjournment, the regular meeting will be continued and reconvened the immediate following evening at 7:00 p.m. The adjournment provisions of this section shall apply to any continued regular meeting. If reasons prohibit successive evening meetings in order to accomplish the complete hearing of all agenda items, then a specific day and time will be set for resumption of the regular meeting with notice of, and all business at, such a delayed continuation of the regular meeting accomplished according to the procedure set forth in this Chapter under “Special Meetings”.

B. When the City Council intends to hold a regular meeting at a public location other than the usual place of the City Council meeting, the notice of the City Council meeting shall set forth with particularity the location of the meeting. The notice shall be published at least twenty-four (24) hours prior to the scheduled meeting. (Ord. 523-07 2007).

2.08.020 Special Meetings. Special City Council meetings may be called by the City Manager, Mayor, or upon the request of at least two members of the City Council. The request shall be directed to the City Clerk who shall give notice of the special meeting to the City Manager, Mayor and/or the other members of the City Council. No less than twenty-four (24) hours notice from the time of the scheduled special meeting must be given each City Council member and the general public. Only those agenda items included in the notification will be allowed to be heard at the special meeting. (Ord. 523-07 2007)

2.08.030 Work Sessions. The City Council may hold work sessions for the purposes of planning, and for studying and discussing any question permitted by law. No official action, such as adoption of an ordinance or resolution, shall be taken by the City Council on any matters discussed in the work session until the matter is placed on the City Council agenda at a regular or special meeting. Work sessions shall be held in the regular meeting place of the City Council, or at any other designated place as may be approved by a majority vote of the City Council. Notice, adjournment times and reconvening procedures shall follow the provisions set forth for regular meetings. The City Council may set public hearings at work sessions and may hold executive sessions. (Ord. 523-07 2007).

2.08.040 Executive Session.

A. The City Council may, after convening as a public meeting, and upon a majority vote of the body, determine to meet in an executive session to consider any matter set forth in subsections (B) or (C) of this section. The motion calling for the executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private, and no other matters may be considered at the executive session.

B. The following may be discussed in an executive session:

1. Matters that, if immediately disclosed, would tend to adversely affect the finances of the City;
2. Matters that would tend to injure the reputation of a person; provided, however, that the person may request a public discussion;
3. Matters which by law are required to be kept confidential;
4. Negotiations with labor organizations representing City employees; and
5. Matters involving the consideration of government records that by law are not subject to public disclosure.

C. At the request of the City Attorney, the City Manager, or any member of the City Council, the City Council may vote to meet in executive session to discuss legal matters or receive legal advice from an attorney, including but not limited to matters of pending or anticipated litigation, recommendations regarding proposed City Council action having serious legal implications, or other legal matters the disclosure or public discussion of which will or may tend to adversely effect the legal or financial positions of the City. All discussions with the City Attorney of legal matters considered pursuant to this section shall be confidential.

D. No official action may be taken at an executive session except to give direction to an attorney regarding the handling of a specific matter. (Ord. 523-07 2007).

2.08.050 Quorum. Four council members constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion. (Ord. 320-95, §3, 1995; Prior code § 2.2-0.050CA; Ord. 420-01 §2, 2001)

2.08.055 Public hearings. All substantial actions taken on behalf of the city shall require full disclosure and a public hearing prior to final council action. Public hearings shall be held on all final actions, except for resolutions that have a fiscal impact to the city of less than five thousand dollars, including the approval of contracts of less than five thousand dollars. (Ord. 320-95 §4, 1995)

2.08.060 Manner of taking action. The final vote on each ordinance, resolution, or substantive motion is recorded by a roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain. (Prior code §2.20.050(B))

2.08.065 Public notice for actions requiring a public hearing.

A. Advance public notice of the council agenda for all regular and special meetings (except for recessed or continued meetings) shall be posted at least five days in advance of the scheduled meeting in at least six public places in the city, including the city offices. Agendas shall include notification of all matters on which the council plans to take final action after a public hearing. Supporting materials for such actions, to the extent available and a matter of public record shall be available for inspection by the public during normal business hours.

B. Provisions for advance public notice may be waived by the council only in the event of a finding by the council that an emergency exists, together with a statement of facts upon which the finding of an emergency is based. (Ord. 320-95 §5, 1995)

2.08.070 Rules of procedure—Adoption. The council by resolution may adopt rules of procedure consistent with a law to govern its proceedings. Except where otherwise provided by law or the council's rules of procedure, Robert's Rules of Order, revised, shall govern. (Prior code §2.20.060)

2.08.080 Presiding officer.

A. The mayor shall preside at all meetings of the council. The mayor shall preserve order and decorum among the council members, and is responsible for the conduct of all meetings in compliance with the rules of the council. The mayor may from time to time make such rules as he deems proper in order to preserve order among the spectators in the council chamber during sessions of the council. The mayor may also vote. The mayor may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the council by motion duly seconded as herein provided. The mayor may at any time call the vice-mayor, or in the absence of the vice-mayor, a mayor pro tempore, selected as provided by Section 2.04.130 of this code, to the chair during any meeting, such substitution to continue until the mayor elects to resume the chair, but in no event beyond adjournment of the meeting at which such substitution is made.

B. In the temporary absence or disability of the mayor, the vice-mayor may call the council to order at any duly called meeting. The vice-mayor may vote.

C. In the temporary absence or disability of the mayor and the vice-mayor, the mayor pro tempore shall be selected as provided in Section 2.04.130 of this code. The mayor pro tempore may vote. (Ord. 222-92 §2, 1991; prior code §2.20.061)

2.08.085 Agenda—Duty of clerk to publish. The agenda for every regular and special meeting of the city council shall be published by the city clerk in conformance with all applicable sections of this code. (Ord. 217-92 §1, 1991)

2.08.090 Agenda—Order of business.

A. The order of business for the regular council meetings of the city council shall be as follows:

1. Call to order
2. Opening ceremony
3. Roll call
4. Approval of minutes
5. Approval of regular meeting agenda
6. City manager's report
7. Citizens' comments on agenda items not scheduled for public hearing
8. Approval of consent calendar
9. Public hearings (non-ordinance)
 - a. Contracts
 - b. Real property acquisition or disposal
 - c. Other.
10. Presentations
11. Ordinances
 - a. Introductions (first reading)

- b. Public hearings (second reading)
- 12. Resolutions
- 13. Unfinished business
- 14. New business
- 15. Council discussion
- 16. Citizens' discussion
- 17. Council and administration response to citizens' comments
- 18. Adjournment

B. Those items on the council agenda, which are considered routine by the city manager and city clerk, shall be listed under that portion of the agenda entitled "consent calendar." Unless the mayor or a council member specifically requests that such an item on the consent agenda be considered under the regular meeting agenda, and thus removed from the consent calendar and considered separately in a specific order on the regular agenda, these items so designated shall be approved, adopted, accepted or ratified by motion of the council and roll call vote under that portion of the agenda entitled "approval of consent calendar." Those items so approved under the consent calendar shall appear in the council minutes as if acted upon individually.

C. The certification of any election shall be made under that portion of the agenda entitled "new business."

D. Under appropriate circumstances, the city manager may invite department administrators or other staff members to make individual department reports under that portion of the agenda entitled "city manager's report."

E. Communications with the council will be placed by the city clerk under that portion of the agenda appropriate to the subject matter of the communication.

F. The presiding officer may at any time permit a member to introduce an ordinance, a resolution or a motion out of the regular order, provided a majority of the council members consent.

G. No matters other than those on the agenda shall be finally acted upon by the city council; provided, that matters declared to be emergencies or of an urgent need by the mayor, or any council member, or the city manager, with a full explanation of the emergency or urgency stated in open council meeting, may with the consent of the council by majority vote, be considered and acted upon by the council.

H. New business may require a public hearing before final action is taken approving the expenditure of five thousand dollars or more. (Ord. 320-95 §§6, 7, 1995; Ord. 258-92 §2, 1992; Ord. 205-91 §1, 1991; Ord. 61, 1987; Ord. 39 §2, 1986; prior code §2.20.062)

2.08.095 Agenda—Order of business—Special meetings. The order of business for a special meeting of the city council shall be as follows:

- 1. Call to order
- 2. Opening ceremony
- 3. Roll call
- 4. Approval of special meeting agenda
- 5. Business item or items the subject of the special meeting
- 6. Citizens' discussion
- 7. Adjournment

(Ord. 220-92 §1, 1991)

2.08.100 Minutes.

A. An electronic or magnetic recording of all regular and special meetings shall be taken and kept for six years. The minutes of all regular and special meetings (it is here understood that emergency meetings shall follow this same procedure if circumstances permit) of the council shall be kept by the city clerk, or other person designated by the city manager, and shall be neatly typewritten in a book kept for that purpose with a record of each particular type of business transaction set off in paragraphs, with proper subheads; provided, that the city clerk shall be required to make a record only of such business as was actually passed upon by a vote of the council and shall not be required to make a verbatim transcript of the proceedings; provided further, that during public hearings a record should be made of the names of the persons addressing the council, the title and the subject matter to which the remarks related and whether they spoke in support of or in opposition to the subject matters. Provided, however, that any council member may request that his/her remarks on any subject be recorded in the minutes verbatim as a matter of public record. The typewritten form of the minutes shall constitute the official record of said meeting. All minutes of the council shall be distributed by the city clerk to the public desiring it at cost.

B. Unless the reading of the minutes of a council meeting is requested by the majority of the council, such minutes may be approved without reading if the clerk has previously furnished each council member with a copy thereof.

C. The city clerk shall produce the minutes in a timely fashion for council review. The minutes of meetings under no circumstances are to be delinquent for more than one meeting of the council. That is, minutes for two meetings could be presented at the third meeting. (Ord. 303-93 §1, 1994; Ord. 269-93 §2, 1993; prior code §2.20.063)

2.08.110 Rules—Amendment, suspension and violation.

A. A proposed amendment to, or repeal of, any rule of the council shall be submitted in writing, be laid on the table at the meeting to which it is submitted, and shall become the first item of unfinished business (old business) at the next regular meeting.

B. In all matters of parliamentary procedure not covered in these rules, Robert's Rules of Order shall be applicable and govern.

C. The council rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a vote of the majority of council members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

D. If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall, or any member can, call him to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the council if appealed to, shall decide the question without debate. If the decision is in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council to proceed in order.

E. If any member, in speaking or otherwise, divulges facts or discussions of a confidential nature discussed, written or otherwise presented at an executive session, he or she shall be called to order by any member and shall explain the release of said information. Upon a majority of the council that the member so violating the confidential

nature of the executive session may be barred from any or all executive sessions by two-thirds vote of the council.

F. A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer. When two or more members request to speak at the same time, the presiding officer shall determine which one is recognized. (Prior code §2.20.064)

2.08.120 Rules—Speaking, rules of conduct.

A. Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the council except in a respectful manner.

B. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

C. No member shall speak more than twice or for more than ten minutes continuously to any one question, except that one or more additional periods of ten minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by himself or by the city clerk within the member's time limitation unless permission for the clerk to read such paper outside the time limitation is unanimously granted.

D. No appeal from any decision of the presiding officer shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "shall the decision of the chair stand as the judgment of the council?" It shall be deemed to be decided in the affirmative unless a majority of the votes given are to the contrary.

E. Any member may make a parliamentary inquiry of the chairman at any time during a meeting. (Prior code §2.20.065)

2.08.130 Rules—Point of order. Any member may make a point of order without a second at any time. The presiding officer may speak to points of order in preference to other members, and shall decide all such questions, subject to appeal to the council by motion duly seconded; and no other business shall be in order until the question on the appeal has been decided. (Prior code §2.20.066)

2.08.140 Rules—Motions—Second required. All motions shall require a second, unless otherwise provided by special rule. (Prior code §2.20.0670)

2.08.150 Rules—Motions—Disposition, withdrawal. After a motion is stated or read by the presiding officer, it shall be deemed to be in the possession of the council and shall be disposed of by vote, but the mover may withdraw it at any time before the decision or amendment, by consent of the second. (Prior code §2.20.0671)

2.08.160 Rules—Motions—Question under debate, motions received.

A. When a question is under debate, the presiding officer shall receive any of the following motions but no other:

1. To adjourn
2. To recess

3. To raise a question of privilege
4. To call for the order of the day, or the regular order
5. To lay on the table
6. For the previous question
7. To limit or extend limits of debate
8. To postpone to a certain time
9. To refer
10. To amend
11. To postpone indefinitely

B. When one of the above motions has been made, none of the others inferior to it in the order in which they stand above shall be made, and in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. The first seven are not subject to debate. A motion to postpone to a certain time, refer, amend, or to postpone indefinitely may be amended; the previous questions may be demanded before an amendment, which motion shall be decided without debate. A motion to adjourn shall always be in order provided that business of a nature to be recorded in the journal has been transacted since any previous motion to adjourn has been defeated. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment.

C. When a matter has been especially assigned to be taken up at a fixed time, or at a certain stage of proceedings, such matter shall, at the appointed time or at any time subsequent thereto, be in order upon the call of any member, and take precedence over all other business. (Prior code §2.20.0672)

2.08.170 Rules—Motions—Putting questions in order moved. The presiding officer shall put all questions in the order in which they are moved unless a subsequent motion shall be previous in its nature except, in naming sums and fixing times, the largest sum and the longest time shall be put first. (Prior code §2.20.0673)

2.08.180 Rules—Motions—Ordering previous question. When the previous question is moved by any member, all debate on the main question shall be suspended immediately and the presiding officer shall put the question in the following form:

The previous question is moved on (specifying the motion on which the previous question is demanded). As many as are in favor of ordering the previous question will so indicate.

If the majority assent, the affirmative has it, the previous question is ordered, and the chairman will proceed immediately to put to a vote the question as ordered. If less than the majority so indicated, the negative has it, the motion is lost, and the question reverts to the immediately pending question which is again open to debate and amendment as if the previous question has not been demanded. (Prior code §2.20.0674)

2.08.190 Rules—Motions—Reduction to writing. Any motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over ten minutes) is afforded for compliance with this rule. (Prior code §2.20.0675)

2.08.200 Rules—Motions—Amending amendments. A motion to amend an amendment shall be in order; but to debate motion to amend an amendment shall not be entertained. (Prior code §2.20.0676)

2.08.210 Rules—Motion to reconsider. When a vote has been taken either passing or defeating any proposition or legislation, any council member who voted on the prevailing side may move for reconsideration at the same time meeting or at the next succeeding meeting whenever motions are in order; provided, that the subject matter has not passed out of the control of the council. The term "prevailing side" includes the negative side, which has prevailed because the affirmative side has failed to muster the requisite number of votes required for passage of the measure. A motion to reconsider requires a majority of affirmative votes and, if it prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debates on motions to reconsider shall be limited to twenty-five minutes and no member shall speak for more than five minutes. No measure shall be reconsidered more than once. (Prior code §2.20.0677)

2.08.220 Rules—Motions—Rescinding vote. Any previous vote may be rescinded by vote of the majority of the council at any time, provided the subject has not passed out of the control of the council. (Prior code §2.20.0678)

- 2.08.230 Rules—Voting.**
- A. The presiding officer shall declare all votes, but if any member doubts a vote, the presiding officer, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate, and he shall declare the result.
 - B. The vote upon all matters considered by the council shall be taken by yes or no votes which shall be entered upon the record, except that if the vote is unanimous, it shall be necessary only to so state.
 - C. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason excuses him. Applications to be so excused must be made before the vote, and shall be decided without debate.
 - D. Anything to the contrary in these rules notwithstanding, in all cases where an extraordinary majority is not required, and when no motion is before the council, the chairman may, in lieu of calling for or waiting a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, he shall announce: "It is so ordered," which will have the same effect as if a motion is reasonable expressed when the question is put, the chairman shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.
 - E. No member of the council may discuss or vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed prior to the beginning of debate on the question for a ruling on a request from the member with the financial interest to be excused from discussion and a vote.

1. The presiding officer shall rule on a request by a member of the governing body to be excused from vote;

2. The decision of the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the council. If there are not at least four council members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four council members qualified to vote on the matter are in attendance; and

3. A municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest. (Ord. 272-93 §1, 1993; prior code §2.20.068)

2.08.240 Rules—Clerk—Duties. The city clerk shall give notice of city council meetings, shall attend all meetings of the council and keep the journal of its proceedings, shall authenticate by his/her signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the city clerk, the city manager may appoint an acting clerk, with all the powers, duties and obligations of the city clerk, who shall be duly qualified. (Prior code §2.20.069)

2.08.250 Rules—Addressing the council by the public.

A. A person desiring to address the council shall first secure the permission of the presiding officer to do so, shall stand before the council and give his or her name and address in an audible tone of voice for the record, and, unless further time is granted by the presiding officer, shall limit his or her address to the times hereinafter specified. All remarks shall be addressed to the council as a body and not to any member thereof. No person other than a council member and the person having the floor shall be permitted to enter into any discussion without permission from the presiding officer.

B. In a public hearing, persons or their authorized legal representatives may address the council in regard to matters then under discussion. Unless the presiding officer grants further time, each person testifying under this public hearing provision shall limit his or her presentation to five minutes.

C. In a matter that is not a public hearing, persons or their authorized representatives may address the council by oral communication on any matter concerning the city's business, or any matter over which the council has control.

1. For an agenda item not scheduled for public hearing each individual presentation shall be limited to two minutes, unless further time is granted by the presiding officer, and all presentations shall be limited to a total time of not more than thirty minutes, unless further time is granted by the presiding officer.

2. For a matter not appearing on the agenda over which the council has control, individual comments may be made during the public participation category of the order of business, and shall be limited to five minutes per person, unless the presiding officer grants further time.

D. Anyone wishing to make a formal presentation to the council concerning any item not appearing on the agenda over which the council has control must give prior written notice to the clerk no later than noon on the Tuesday immediately preceding the Monday upon which the meeting will be held. Such notice shall set forth the name of the

person wishing to make the presentation, his or her mailing address and telephone number, and the nature of the proposed communication in order that the same may appear on the agenda of the council. Any documents, exhibits or other materials used in support of the presentation shall be furnished in nine complete sets to the clerk not later than the calling of the item on the agenda. All such presentations shall be limited to five minutes unless the presiding officer grants further time.

E. When any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the council, and in that case, if additional members of the same group are to be present at that time, to limit the number of persons so addressing the council so as to avoid repetition before the council. (Ord. 202-91 §1, 1991)

2.08.260 Rules—Decorum by the public.

A. Any person addressing the council making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the council, shall be forthwith, by the presiding officer, barred from further audience at the meeting before the council, unless permission to continue is granted by a majority vote of the council.

B. Any person in the audience who uses loud, boisterous or profane language at a council meeting, or language tending to bring the council or any council member into contempt, or any person who persistently interrupts the proceedings of the council or refuses to keep quiet or take a seat when ordered to do so by the presiding officer, shall be deemed guilty of a misdemeanor. Upon instruction from the presiding officer, it shall be the duty of any police officer present to eject any such person from the Council Chambers, or place such person under arrest, or both. (Ord. 202-91 §2, 1991)

2.08.270 Ex officio sergeant-at-arms. The chief of police shall be ex officio sergeant-at-arms of the council. The sergeant-at-arms, personally or through any duly appointed police officer of the city, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. (Ord. 202-91 §3, 1991)

2.08.280 Acts required to be by ordinance.

A. In addition to other actions required by law to be by ordinance, the council shall use ordinances to:

1. Establish, alter or abolish city departments;
2. Fix the compensation of council members;
3. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
4. Provide for the levying of taxes;
5. Make appropriations and supplemental appropriations or transfer appropriations;
6. Grant, review or extend a franchise;
7. Regulate the rate charged by a public utility;
8. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map;
9. Approve the transfer of a power to a borough from the city;
10. Provide for the retention or sale of tax-foreclosed property;

11. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city public works projects within the limitations set out in AS 36.25.025.

B. This section grants no authority but requires the council to use ordinances in exercising certain of its powers. (Prior code §2.30.010)

2.08.290 Ordinances—Form. All ordinances enacted by the council shall be in substantially the following form:

A. Ordinances shall be numbered consecutively in the order they are offered for introduction, and shall contain a title briefly summarizing their contents.

B. The enacting clause for an ordinance shall be: "The Whittier City Council ordains:"

C. The ordinance shall bear the date upon which it was approved by the council, and shall be signed by the mayor and attested by the clerk.

D. Ordinances that enact, amend or repeal sections of this code shall refer to the code sections by number. (Prior code §2.30.020)

2.08.300 Ordinances—Procedure.

A. An ordinance may be introduced by a member or committee of the council or by the manager. Upon approval of a motion therefore, the ordinance is set for hearing. No less than five days before the public hearing, a summary of the ordinance and its amendments shall be posted with a notice of the time and place for the hearing in at least three public places in the city, including the city offices.

B. At the hearing copies of the ordinance must be available to all persons present or the ordinance must be read in full. The council shall hear all persons wishing to be heard before acting on the ordinance.

C. After the hearing the council shall consider the ordinance and may adopt it with or without amendment. No further public hearing is required unless amendments change the ordinance so substantially as to change its basic character.

D. Ordinances take effect upon adoption or at a later date specified in the ordinance. (Prior code §2.30.030)

2.08.310 Emergency ordinances.

A. Notwithstanding Section 2.08.030, to meet a public emergency the council may adopt ordinances in accordance with this section that are effective on adoption. Every emergency ordinance must contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be amended, and adopted or rejected, at the meeting at which it is introduced. The affirmative vote of all members present, or three-quarters of the total membership, whichever is less, is required for adoption.

B. An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

C. Emergency ordinances are effective for sixty days. (Prior code §2.30.040)

2.08.320 Codes of regulations—Adoption. The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor

its amendments need be distributed to the public or read in full at the hearing. For a period of fifteen days before adoption at least five copies of the code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council shall provide for the adopted code to be sold to the public. (Prior code §2.30.050)

2.08.330 Resolutions.

A. Formal acts by the council not required by law to be enacted by ordinance may be enacted by resolution.

B. Resolutions shall be numbered consecutively in the order they are offered for introduction and shall contain a title briefly summarizing their contents. The enacting clause for a resolution shall be "The Whittier City Council Resolves." A resolution shall bear the date upon which it was approved by the council and shall be signed by the mayor and attested by the clerk.

C. Every resolution shall be introduced in writing. Copies of the resolution shall be available to all persons present at the meeting where the resolution is considered, or the resolution shall be read in full.

D. Resolutions take effect upon adoption or at a later date specified in the resolution. (Prior code §2.30.060)

2.08.340 Printing, publication, codification.

A. Except as this chapter provides otherwise, all adopted ordinances and resolutions shall be printed and available to the public at cost.

B. All adopted ordinances and resolutions shall be posted for at least one week after adoption at a public place designated by the manager for the posting of notices by the city.

C. Each ordinance and resolution shall be assigned a serial number, and, after adoption, entered by the clerk in a properly indexed book.

D. Each ordinance adopting, amending or repealing a provision of this code shall be indexed by the clerk under the code section affected, and incorporated into the next supplement to this code published by the city. (Prior code §2.30.070)

Chapter 2.10

CODE OF ETHICS FOR OFFICERS AND EMPLOYEES

Sections:

2.10.010 Short title

2.10.020 Applicability

2.10.030 Construction

2.10.040 Council voting

2.10.050 Declaration of intent by officers

2.10.060 Records of payment to be public record

2.10.070 Conflict of interest generally

2.10.080 Filing of statements by non-salaried officers

2.10.090 Board of ethics—Created—Membership

- 2.10.100 Board of ethics—Powers and duties**
- 2.10.110 Board of ethics—Conduct of hearings**
- 2.10.120 Advisory opinions**
- 2.10.130 Prohibited acts**
- 2.10.140 Failure to provide information**
- 2.10.150 Cancellation of contracts**
- 2.10.160 Violations by appointed officers—Penalty**
- 2.10.170 Violations by elected officials and paid or unpaid members of boards and commissions—Penalty**
- 2.10.180 Violation—Reprimand and/or dismissal**

2.10.010 Short title. This chapter shall be known as the “code of ethics”. (Ord. 535-08 2008; Ord. 9-7-82 §1, 1982; prior code § 6.10.010)

2.10.020 Applicability. This code of ethics shall apply to all elected officials of the city, all employees and appointed officers of the city, and all paid or unpaid members of boards and commissions of the city. (Ord. 535-08 2008; Prior code §6.10.020)

2.10.030 Construction. This code shall be liberally construed in favor of protecting the public’s interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city employees and officials. (Ord. 535-08 2008; Prior code 56.10.140)

2.10.040 Council voting.

A. All members of the council shall vote, unless someone has a direct or indirect interest in the motion. This shall be stated before the issue is voted upon.

B. The council determines by roll call vote if said person's vote is a conflict of interest. If someone from the audience questions or challenges a member's vote, council shall act upon this with a roll call vote excluding the questioned member from that vote. (Ord. 535-08 2008; Ord. 9-7-82 §2, 1982)

2.10.050 Declaration of intent by officers. Persons on any board, commission or committee shall declare their intent upon application for any positions to bid on or provide any service, which involves monetary or substantial personal gain with the city. (Ord. 535-08 2008; Ord. 9-7-82 §3, 1982)

2.10.060 Records of payment to be public record. All records of payment received from the city shall be a matter of public record. (Ord. 535-08 2008; Ord. 9-7-82 §4, 1982)

2.10.070 Conflict of interest generally. No city officer or employee shall intentionally engage in any act in conflict with the performance of his/her official duties and shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest. (Ord. 535-08 2008; Ord. 9-7-82 §5, 1982)

2.10.080 Filing of statements by non-salaried officers. Every non-salaried officer of any city board, commission or committee, shall upon assuming his duties, file with the board of ethics a statement in writing disclosing any direct or indirect interest in any firm, corporation, association or enterprise which by reason of such membership on a city board, committee, or commission benefits him in a manner different from that available to the public generally, and shall thereafter upon acquiring or becoming aware of any such interest file a similar statement with the board of ethics. (Ord. 535-08 2008; Prior code §6.10.100)

2.10.090 Board of ethics—Created—Membership. There is created a board of ethics consisting of three members who shall be the mayor, or the council member duly appointed as the designee of the mayor, and two lay members of the public appointed by the council. If the conduct of any of the members of the board of ethics is questioned the council shall appoint a substitute member for the purpose of that investigation only. (Ord. 535-08 2008; Ord. 225-92 §1, 1992; prior code §6.10.030)

2.10.100 Board of ethics—Powers and duties. The powers and duties of the board of ethics shall be as follows:

- A. To establish administrative rules and procedures for the conduct of its business, to conduct preliminary investigations, to make reports to the council, and to conduct such further hearings as provided for in Section 2.24.110 of this code;
- B. To make expenditures in accordance with the annual budget adopted by the council and to utilize the services of such staff as may be made available to said board;
- C. To consider questions as to ethical conduct, conflicts of interest, and the application of ethical standards set forth in this code, and upon the written request of any city officer or employee, or without such request if in the public interest, issue its advisory opinion in writing as to any such question;
- D. To make recommendations to the council for amendments to this code and for such other legislation affecting the subject matter of this code as said board may deem necessary or desirable;
- E. To provide a continuing program of education, assistance, and information to city officers and employees with regard to ethical conduct.

All officers, employees, departments and agencies of the city shall make available to the board of ethics all books, papers, documents, information, and assistance requested by said board and pertinent or material to any inquiry or investigation being conducted by said board in the performance of its duties under this code. (Ord. 535-08 2008; Prior code §6.10.040)

2.10.110 Board of ethics—Conduct of hearings. Whenever a preliminary investigation has been made by the board of ethics in response to a written complaint, instructions from the council, or on its own initiative, and a report of such investigation has been rendered to the council, then the council may authorize the board of ethics to conduct a formal hearing on the matter. In this event the board of ethics shall have the power to administer oaths and affirmations, examine witnesses, and compel attendance of persons, and production of documents, papers, books, accounts, letters, and records by subpoena. Any person summoned to appear before such board and give evidence shall

have the right to be represented by counsel. Any person against whom a complaint or violation of ethical standards has been made or whose conduct is the subject of investigations by the board may demand and shall be entitled to a hearing, which is open to the public. (Ord. 535-08 2008; Prior code §6.10.050)

2.10.120 **Advisory opinions.** Any official or employee may request an opinion from the board relating to any situation involving such official or employee, which may give rise to the possibility of conflict of interest under this code. Such requests shall be in writing, shall set forth the pertinent facts and shall be signed by the official or employee making the request, and shall, if requested by the officer or employee, be held in confidence and no disclosure thereof shall be made except as provided herein. (Ord. 535-08 2008; Prior code §6.10.120)

2.10.130 **Prohibited Acts.**

A. No city officer or employee shall engage in any act in conflict with the performance of his official duties and shall disqualify himself from participating in any official action in which he has a substantial financial interest.

B. The following prohibited acts are deemed to be in conflict with the performance of an officer or employee's official duties. No officer or employee shall:

1. Fail to disclose that he possesses, directly or indirectly, a substantial or controlling interest in any corporation, firm, association or enterprise doing business with the city;

2. Have a financial or other private interest in any legislation or other matter coming before the council, and if a councilman, fail to disclose such interest on the records of the council or disqualify himself from voting on such matter by stating the nature and extent of such interest, or if an officer or employee, participate in discussion with or give an official opinion to the council as to any such matter and fail to disclose such interest on the records of the council;

3. Receive or acquire any financial interest in any sale to or purchase from the city of any service or property with knowledge at the time of receiving or acquiring such interest that the city intends to purchase or sell such property or service;

4. Accept any retainer, gift, or favor from any person, firm, corporation, association or enterprise having dealings with the city with the knowledge that such retainer, gift or favor is given with the intent to obtain special consideration as to any action by such officer or employee in his official capacity; provided, however, that any such officer or employee who is a candidate for public office may accept otherwise lawful campaign contributions and services in connection with any such campaign;

5. Have a financial interest, whether personally or through immediate family or close relatives, in a firm, corporation, association or enterprise doing business with the city and influence or attempt to influence the selection of, or conduct of business with such firm, corporation, association or enterprise by the city;

6. Engage in or accept private employment or render service for private industry or other governmental entities which is incompatible with the proper discharge of official duties or impairs his independence of judgment or action in the performance of such official duties;

7. Appear on behalf of a private interest before any city agency, board or commission or represent a private interest in any action or proceeding against the interest of the city in any litigation to which the city is a party; provided that this subsection shall not apply to:

- a. Persons receiving no compensation from the city,
- b. Any member of the council appearing before governmental agencies on behalf of or as a representative of constituents in the course of his official duties or performing public or civic obligations without additional compensation therefore, or
- c. Any officer or employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest; provided such proprietary interest is fully disclosed and the officer or employee does not act or attempt to act in any official capacity with respect to such matter;

8. Use, request, or permit the use of city-owned vehicles, equipment, materials or property for personal use or profit unless such use is available to the public generally; provided, that this subsection shall not apply to the use of city-owned vehicles, equipment, materials or property provided to such officer or employee in accordance with municipal policy for the conduct of official city business;

9. As to any matter or proceeding coming before a city agency, board or commission of which he is a member, fail to disqualify himself from acting therein when such matter or proceeding involves any person who is, or has been a client of his, or his firm or partnership within the twelve month period immediately preceding the date of such action;

10. Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;

11. Serve as a member of the city council and have either (a) paid employment with the city other than payment for such council membership or (b) a substantial or controlling interest in a corporation, firm, association or enterprise doing business with the city.

12. Simultaneously be paid city employee and a candidate for election to the city council or mayor. Before a paid employee may file a petition for election, he or she must first terminate such employment with the city. This provision is not intended to prohibit payment by the city of a salary to the mayor. (Prior code §6.10.080)

13. Be employed or serve in violation of Section 2.24.132 or Section 2.32.705 of this code. (Ord. 535-08 2008; Ord. 431-01 §1, 2001)

2.10.140 Failure to provide information. It is unlawful for any person duly summoned to attend as a witness before the board of ethics to fail or refuse, without lawful excuse, to attend pursuant to such summons, or to willfully refuse to be sworn or to affirm or to answer any material or proper question, or to produce, upon reasonable notice, any material or proper documents, papers, books, accounts, letters or records in his possession or under his control, or having been duly sworn to tell the truth, to

knowingly give false testimony as to any material matter. (Ord. 535-08 2008; Prior code §6.10.110(B))

2.10.150 Cancellation of contracts. Any contract between the city and another party shall be voidable or rescindable at the option of the council at any time within a period of one year from the date of execution of such contract, if any officer or employee of the city has any interest in such contract and does not disclose such interest. (Ord. 535-08 2008; Amended during 1986 codification; prior code §6.10.130)

2.10.160 Violations by appointed officers—Penalty. If the board of ethics shall determine that any appointed city officer or employee has violated the ethical standards set forth in this code, said board shall deliver a copy of its written decision to the mayor and council and such city officer or employee who has violated the ethical standards together with the board's recommendation for disciplinary action. In addition to any other penalty herein or otherwise provided by law, violation of such ethical standards by a non-elected officer or employee shall be cause for suspension, discharge, or removal from office, or such other disciplinary action as the council may determine. (Ord. 535-08 2008; Prior code §6.10.060)

2.10.170 Violations by elected officials and paid or unpaid members of boards and commissions—Penalty. If the board of ethics shall determine that an elected official or paid or unpaid member of a board or commission has violated the ethical standards as set forth in this code, said board shall deliver a copy of its written recommendations to the council which may take such action as it is empowered to do by law, including but not limited to removal from office and censure action. (Ord. 535-08 2008; Prior code §6.10.070)

2.10.180 Violation—Reprimand and/or dismissal. Any person in violation of this code shall be subject to reprimand and/or immediate dismissal. (Ord. 535-08 2008; Ord. 9-7-82 §6, 1982)

Chapter 2.12

ADMINISTRATIVE REGULATIONS AND DIRECTIVES

Sections:

- 2.12.010 Definitions**
- 2.12.020 Applicability**
- 2.12.030 Authority**
- 2.12.040 Hearing on proposed regulation**
- 2.12.050 Council approval required**
- 2.12.060 Filing—Effective date**
- 2.12.070 Retroactive effect**
- 2.12.080 Council review**
- 2.12.090 Directives—Manager's powers**

2.12.010 Definitions. As used in this chapter:

A. "Adopting agency" means any agency, board, commission or officer of the city empowered by law to issue, amend or repeal regulations.

B. "Regulation" means every rule or standard of general applicability or the amendment, supplementation or revision thereof, adopted by a city agency, board, commission or officer, to implement, interpret or make specific the law enforced or administered by such person or to govern its procedure. "Regulation" does not include a rule or standard of conduct governing only the internal operation or organization of a city agency, nor does it include ordinances enacted by the council. (Prior code § 3.100.020)

2.12.020 Applicability. Except as otherwise provided by law, this chapter governs all city agencies, boards, commissions, officers and employees in the exercise of their power to adopt regulations. (Prior code § 3.100.010(A))

2.12.030 Authority. Except where expressly prohibited by specific provision of this code, city agencies, boards, commissions and officers may issue, amend or repeal regulations to implement, interpret or make specific the law enforced or administered by those agencies, boards, commissions or officers. (Prior code § 3.100.010(B))

2.12.040 Hearing on proposed regulation. Before adopting a regulation, the adopting agency may schedule and conduct a public hearing to give interested persons an opportunity to present evidence or argument pertaining to the proposed regulation. Public hearings scheduled pursuant to this section may be advertised with such notice and conducted in such manner as the adopting agency deems appropriate. (Prior code § 3.100.030)

2.10.050 Council approval required. A regulation is effective only if approved by resolution of the council. The council may schedule and conduct public hearings on proposed regulations submitted to that body for approval. (Prior code § 3.100.040)

2.12.060 Filing—Effective date.

A. Upon approval of a regulation under Section 2.10.050, the adopting agency shall file a copy of the regulation with the clerk.

B. A regulation becomes effective immediately upon filing with the clerk.

C. The manager shall provide for the continuing compilation, codification, publication and supplementation of all regulations filed with the clerk's office, which shall be available to the public at the clerk's office. The publication of compiled regulations shall be known as the "Whittier Code of Regulations." (Prior code § 3 100 050)

2.12.070 Retroactive effect. Regulations adopted under this chapter may be applied only prospectively from the date they become effective, and may not be interpreted or applied to situations or activities of persons occurring prior to their effective date. (Prior code §3.100.060)

2.12.080 Council review. The council may annul a regulation by resolution at any time. (Prior code §3.100.070)

2.12.090 Directives—Manager's powers. The manager may promulgate, amend and repeal administrative directives pertaining to the internal operation and organization of the city agencies, including the designation of standard operating procedures, forms, manuals, instructions and other guidelines to further the efficient administration of city government. Such directives are not subject to adoption or approval under Sections 2.10.010 through 2.10.080 of this chapter. (Prior code §3.100.090)

Chapter 2.14

ACCESS TO PUBLIC RECORDS

Sections:

2.14.010 Open records

2.14.020 Access and inspection of records

2.14.030 Copies of records

2.14.040 Compilation or creation of records

2.14.050 Exemption for particular records

2.14.060 Appeal of denial of request

2.14.070 Records Retention Schedule as set forth in the Alaska local government general records retention schedules 1987 Alaska State Archives

2.14.010 Open records. Except as provided by Section 2.52.050 of this code, or by other provision of municipal, state or federal law, the books, records, papers, files, accounts, writings and transactions of the city are open to inspection by the public under reasonable rules during regular office hours. The city of Whittier recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the people's business. (Ord. 535-08 2008; Ord. 323-95 §1 (part) 1995)

2.14.020 Access and inspection of records. Public records may be inspected at the city office where the records are kept during the regular office hours of that particular office. All city officers and employees shall, consistent with the orderly conduct of city business, make a good faith and diligent effort to respond to requests for inspection of records made pursuant to this code. If the city office is unable to produce the documents at the time of request an appointment shall be made to produce the documents no later than seventy-two hours from the time of request and any items requested not produced, and not denied shall receive a written reason and attempt to reschedule delivery of items. If one or more requests by a single requester or agent of a requester within a calendar month are anticipated to require more than four person-hours to complete, the city may require the requester to pay costs for the period in excess of four hours. The costs may not exceed the unit cost of salary and benefits for employees who are involved in the search. Except in the case of news organizations, authorized

search costs must be paid before the records are searched. (Ord. 535-08 2008; Ord. 323-95 §1 (part) 1995)

2.14.030 Copies of records.

A. Certified copies. The city clerk shall give, on request and payment of costs, a certified copy of any public records required to be disclosed under this code.

B. Photographic or other copies. The city shall provide copies of records only at the request of the requester and at the requester's expense.

C. Charge for copies. The charge for copies (whether certified or not) may not exceed the cost to the city, which cost may include photocopy, clerical and other costs directly related to the provision of the copies. Payment for copies must be received before making the copies, except in the case of a request from an employee or agent of a news organization. The city clerk is authorized to establish rates and charges for copies of public records, both certified and photographic, and for clerical time as set forth in Section 2.52.020 and in subsections A and B of this section. The city clerk may, in his or her discretion, waive charges for incidental copies. (Ord. 535-08 2008; Ord. 323-95 §1 (part) 1995)

2.14.040 Compilation or creation of records. Nothing in this code shall require the city to create records, compile, summarize, outline or in other ways create information from existing public records. In those instances where the city official who is the custodian of the record determines that the city has the requisite resources to compile or create records to comply with a request for information, the city may charge the requester with the costs of such compilation or summary, which costs shall include the salary and benefits and overhead charges for the city employees who accomplished the work. (Ord. 535-08 2008; Ord. 323-95 §1 (part) 1995)

2.14.050 Exemptions for particular records. This code shall not be construed to require disclosure of the following records or information:

A. Personnel, payroll or medical files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy.

B. Records of vital statistics and adoption proceedings.

C. Records pertaining to juveniles.

D. Medical and related public health records.

E. Records required to be kept confidential by federal law or regulation or by state law.

F. Trade secrets.

G. Patented and/or copyrighted material.

H. Organized, coordinated, collated, modified, created, interpreted or compiled information. Nothing in this chapter requires an agency to organize, coordinate, collate, modify, create, interpret or compile records requested. Only a literal or verbatim record need be provided.

I. Police investigation compiled by any agency as a part of an investigation of criminal activity, except that such records may be released to other governmental agencies if necessary for the proper administration of justice. Police information

practices in regard to criminal justice information shall be governed by provisions AS 12.62.0910, et seq.

J. Records held by the city of Whittier or any public utility pertaining to any client, customer, tenant, operator, user or subscriber, the release of which would constitute an unwarranted invasion of privacy of that person or entity.

K. Records of engineering, marketing, accounting or other technical or financial data, which, if released, would provide a competitive advantage to any other persons or business engaged in similar or related activities.

L. Proprietary information which a manufacturer, consultant or provider reasonably expects to be kept privileged or confidential to protect the property interests of persons providing the information or data.

M. City personnel records, including employment application and examination materials.

N. Communications between any agency and the city attorney, which contain legal questions concerning the potential, pending or actual litigation. This subsection does not protect from disclosure documents, which were public records prior to the commencement of the litigation, and public records, which are otherwise subject to disclosure, may not be protected from disclosure by mere submission to the attorney. Any documents marked "Confidential" which are submitted to the agency from the municipal attorney's office shall only be produced if the city attorney so authorizes. (Ord. 323-95 §1 (part) 1995)

2.14.060 Appeal of denial of request. In the event an individual requests information and is refused, the individual shall be notified in writing within five working days of his right to appeal that decision to the city manager. If not satisfied with the ruling of the city manager, the individual shall be notified within five working days of that decision of his right to appeal to the city council at its next regularly scheduled meeting, which shall be the final and binding authority. (Ord. 535-08 2008; Ord. 323-95 §1 (part) 1995)

2.14.070 Records Retention Schedule as set forth in the Alaska local government general records retention schedules 1987 Alaska State Archives. The Council shall keep records that will provide for the ongoing control of operations, such that records with continuing administrative, legal, fiscal and historical uses will be easily accessible; and will provide for the regular destruction of these records which are of no further use to the council.

The OMB Common Rule, Subpart C, Section 42 provides the controlling regulations for federal awards and is included in this policy. The **minimum retention period** for federal and state grant and contract records subject to the single audit requirements is three years.

The Council records shall be subject to the following retention schedules, which will be analyzed and updated on a yearly basis:

This chart set out in this section indicates the retention period for all municipal records. (Ord. 535-08 2008; Section 2.52.070 added, Ord. 344-97, §2, 1997)

Retention Period

Accounts payable ledgers and schedules	4 years
Accounts receivable ledgers and schedules	4 years
Audit reports of accountants	Permanently
Bank reconciliation	4 years
Cash books	Permanently
Charts of accounts	Permanently
Checks (cancelled but see exception below)	4 years
Checks (canceled for important payments, i.e. tax purposes, purchase of property, special contracts, etc.) (Checks should be filed with the papers pertaining to the underlying transactions)	Permanently
Contracts and leases (expired)	7 years
Contracts and leases still in effect	Permanently
Correspondence (routine) with customers or vendors	4 years
Correspondence (general)	4 years
Correspondence (legal and important matters only)	Permanently
Deeds, mortgages, and bills of sale	Permanently
Depreciation schedules	Permanently

Duplicate deposit slips	4 years
Expense analysis and expense distribution schedules	4 years
Financial statements (end-of-year, other months optional)	Permanently
General and subsidiary ledgers (end-of-year trial balances)	Permanently
Internal audit reports (in some situations longer retention periods may be desirable)	4 years
Internal reports (miscellaneous)	4 years
Inventories of products, materials, and supplies	4 years
Invoices to customers	4 years
Journals	Permanently
Notes receivable ledgers and schedules	4 years
Option records (expired)	4 years
Payroll records and summaries	7 years
Petty cash vouchers	2 years
Physical inventory tags	4 years

Chapter 2.15

ASSISTANT CITY MANAGER

Sections:

2.15.010 Appointment

2.15.020 Powers and duties

2.15.010 Appointment. There shall be an Assistant City Manager who is appointed by and subject to the direction and supervision of the City Manager and confirmed by the City Council. (Ord. 515-07 2007)

2.15.020 Powers and duties. The Assistant City Manager shall:

- A. Assist the City Manager in the establishment of overall direction, coordination, and management of all City departments and divisions to ensure the policies established by the City Council are properly implemented;
- B. Supervise and delegate authority as deemed appropriate to employees of the Administration Department;
- C. Provide assistance to the City Manager in areas of planning, budgeting, contracting, leases, and grant administration;
- D. Perform such other duties as specified in this code or prescribed by the City Manager. (Ord. 515-07 2007)

Chapter 2.16

CITY MANAGER

Sections:

2.16.010 City Manager

2.16.020 Term of City Manager

2.16.030 Qualifications of City Manager

2.16.040 Power and duties of the City Manager

2.16.050 City Council meetings

2.16.060 Interference with the City Manager

2.16.010 City Manager. There shall be a manager of the City. The City Council shall appoint the City Manager. The City Manager shall receive such compensation as the City Council may determine. The following employees shall be appointed by the City Manager and shall serve at the discretion of the City Manager:

- A. Assistant City Manager;
- B. Director of the Department of Public Safety;
- C. Director of the Department of Public Works;
- D. Harbormaster;
- E. City Clerk;
- F. Finance Officer; and

G. Such other employees as may be authorized by the City Council. (Ord. 535-08 2008)

2.16.020 Term of City Manager. The City Manager shall hold office at the discretion of the City Council. (Ord. 535-08 2008)

2.16.030 Qualifications of the City Manager. The City Manager shall be appointed solely on the basis of executive and administrative qualifications, and with particular reference to education, training and experience as a professional city administrator. The City Council by ordinance may set forth specific qualifications. No member of the City Council may be appointed as City Manager unless at least two (2) years have intervened since the expiration of the member's last term on the City Council and the date of appointment. (Ord. 535-08 2008)

2.16.040 Power and duties of the City Manager. The City Manager is the chief administrative officer of the City. The City Manager shall:

- A. Appoint, suspend, or remove City employees and administrative officers except as provided otherwise in this Code and AS 14.14.065;
- B. Supervise the enforcement of City law and carry out the directives of the City Council;
- C. Prepare and submit the annual budget and capital improvement program for consideration by the City Council;
- D. Execute the budget and capital programs adopted by the City Council;
- E. Make monthly financial reports on City finances and operations as required by the City Council;
- F. Report to the City Council at the end of each fiscal year on the finances and administrative activities of the City;
- G. Prepare and make available for public distribution an annual report on City affairs;
- H. Serve as or appoint a City personnel officer;
- I. Exercise custody over all real and personal property of the City;
- J. Make such recommendations to the City Council as they deem expedient or necessary; and
- K. Assign additional functions or duties to offices, departments or agencies established by ordinance or transfer functions or duties from one such office, department or agency to another. (Ord. 535-08 2008)

2.16.050 City Council meetings. The City Manager shall have the right to take part in the discussion of all matters before the City Council. (Ord. 535-08 2008)

2.16.060 Interference with the City Manager. Except for the purposes of inquiry, the City Council and the Mayor or other official of the City shall deal with the administrative service solely through the City Manager, and neither the City Council, nor any member thereof, nor the Mayor, nor any other city official shall give orders to any subordinate of the City Manager, either publicly or privately. Neither the City Council, nor any of its members, nor the Mayor shall dictate the appointment of any person to office or employment by the City Manager, except as permitted by state law or by an

ordinance of the City, nor shall they interfere in any manner with the City Manager or prevent the City Manager from exercising their own judgment in the selection of officers and employees in the administrative service. (Ord. 535-08 2008; Prior Code 2.14.050)

Chapter 2.18

CITY ATTORNEY

Sections:

2.18.010 City Attorney

2.18.020 Duties of the City Attorney

2.18.010 City Attorney. The City Attorney shall be appointed by the City Council and shall hold office at the discretion of the City Council. (Ord. 535-08 2008)

2.18.020 Duties of the City Attorney. The City Attorney shall have the following duties:

- A. Be charged with the performance of all legal services for the City, including those of legal advisor to the City Council, to the City Manager, and to all departments and offices of the City;
 - B. Upon the request of the City Council or the City Manager, take the necessary steps to arrange for the prosecution of violations of the City ordinances;
 - C. Represent the City in all matters, civil and criminal, in which the City is interested, before any court or tribunal;
 - D. Draft any ordinance when required by the City Council or by the City Manager;
 - E. Perform such other duties as may be required by the City Council or the City Manager;
 - F. Report to the City Council promptly all suits brought against the City;
 - G. Call to the attention of the City Council and the City Manager all matters of law affecting the City;
 - H. Maintain a record of all Attorney opinions rendered and turn that record over to any successor;
 - I. Render all opinions in writing, insofar as practicable; and
 - J. Appear before the state legislature or any committee thereof, when required by the City Council or the City Manager, and there represent the interests and welfare of the City whenever the same may be directly or incidentally affected.
- (Ord. 535-08 2008)

Chapter 2.22

ASSESSOR

Sections:

2.22.010 Assessor

2.22.020 Duties of the Assessor

2.22.010 Assessor. The City Assessor shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. (Ord. 535-08 2008)

2.22.020 Duties of the Assessor. The City Assessor shall annually list and assess all of the taxable property in the city at its just and fair value. The City Assessor shall file the list and assessment as soon as completed with the City Clerk, who shall serve a notice of the filing upon each person or business within the city whose property has been assessed. The City Assessor shall also perform such other duties as are required. (Ord. 535-08 2008)

Chapter 2.26

DEPARTMENT OF ADMINISTRATION

Sections:

2.26.010 Department of Administration

2.26.020 Assistant City Manager

2.26.030 Duties of the Assistant City Manager

2.26.040 City Clerk

2.26.050 Duties of the City Clerk

2.26.060 Finance Officer

2.26.070 Duties of the Finance Officer

2.26.010 Department of Administration. There is created a Department of Administration, the head of which shall be the Assistant City Manager. (Ord. 535-08 2008)

2.26.020 Assistant City Manager. The Assistant City Manager shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. The following employees shall report to the Assistant City Manager:

- A. City Clerk;
- B. Finance Officer; and
- C. Such other employees as may be authorized by the City Manager.

(Ord. 535-08 2008)

2.26.030 **Duties of the Assistant City Manager.** The Assistant City Manager shall:

- A. Assist the City Manager in the establishment of overall direction, coordination, and management of all City departments and divisions to ensure that the policies established by the City Council are properly implemented;
- B. Supervise and delegate authority as deemed appropriate to employees of the Department of Administration;
- C. Provide assistance to the City Manager in areas of planning, budgeting, contracting, leases, and grant administration;
- D. Supervise purchasing for the City;
- E. Supervise data processing for the City;
- F. Perform such other duties as specified in this code or prescribed by the City Manager. (Ord. 535-08 2008)

2.26.040 **City Clerk.** The City Clerk shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. In case of the temporary absence of the City Clerk, the City Manager may designate an acting City Clerk, with all the powers and obligations of the City Clerk. The acting City Clerk shall sign all documents in the name of the City Clerk, subscribing their personal signature as acting City Clerk. (Ord. 535-08 2008)

2.26.050 **Duties of the City Clerk.** Under the supervision of the Assistant City Manager, the City Clerk shall have the following duties:

- A. Assure that notice requirements of the time and place of City Council meetings and other requirements pertaining to public meetings are complied with;
- B. Attend City Council meetings and be responsible for keeping in a journal the minutes of such meetings;
- C. Arrange publication of notices, ordinances, and resolutions;
- D. Maintain and make available for public inspection an indexed file containing City ordinances, resolutions, rules, regulations, and Codes;
- E. Attest deeds and other documents;
- F. Administer all oaths, affirmations and acknowledgements as necessary;
- G. Be the custodian of the City Seal and the official records of the City;
- H. Maintain records and files of all official documents, deeds, contracts, and agreements;
- I. be the registrar of the City and be responsible for the calling and supervision of all City elections, unless otherwise provided by law;
- J. Arrange the tax calendar, compile and be responsible for the tax rolls and all tax billings and collections by the City; and
- K. Assure that public records are available for public inspection as required by law;
- L. Manage municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary;
- M. Prepare agendas and agenda packets as required by the City Council;
- N. Administer all municipal elections;

- O. Assure that the municipality complies with 42 U.S.C. 1971-1974 (Voting Rights Act of 1965, as amended);
- P. Act as the parliamentary advisor to the governing body;
- Q. Perform other duties required by law or prescribed by the City Council or City Manager. (Ord. 535-08 2008)

2.26.060 Finance Officer. The Finance Officer shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. The Finance Officer shall give bond to the City in an amount determined by the City Council. (Ord. 535-08 2008)

2.26.030 Duties of the Finance Officer. Under the supervision of the Assistant City Manager, the Finance Officer shall have the following duties, unless the office and duties of Finance Officer are assigned otherwise by the City Manager:

- A. Function as the chief financial officer of the City, and hold the office and perform the duties of City Treasurer;
- B. Supervise all accounting activity of the City including periodic and annual financial reporting, budget preparation and monitoring, and billing and collections for the City's enterprise funds;
- C. Keep an itemized account of monies received and disbursed;
- D. Pay money on vouchers drawn on appropriations;
- E. Before paying any unpaid account, the Finance Officer shall deduct from the amount owed such sum, consistent with applicable law, if any, as may be due the City, by the person in whose favor such unpaid account is drawn; and
- F. Perform other such duties as may be specified in this Code or by the City Manager. (Ord. 535-08 2008; Prior Code 2.22.010)

Chapter 2.27

FIRE DEPARTMENT *

Sections:

<u>2.27.010</u>	<u>Established</u>
<u>2.27.020</u>	<u>Volunteer fire department—Organization</u>
<u>2.27.030</u>	<u>Volunteer fire department—Generally</u>
<u>2.27.040</u>	<u>Volunteer fire department—Reimbursement</u>
<u>2.27.050</u>	<u>Fire chief—Appointment</u>
<u>2.27.060</u>	<u>Fire chief—Composition of companies</u>
<u>2.27.070</u>	<u>Fire chief—Officer appointments</u>
<u>2.27.080</u>	<u>Fire chief—Budget submittal</u>
<u>2.27.090</u>	<u>Fire chief—Arson suppression</u>
<u>2.27.100</u>	<u>Fire chief—Rules and regulations</u>
<u>2.27.110</u>	<u>Fire chief—Training requirements</u>
<u>2.27.120</u>	<u>Fire chief—Records maintenance</u>
<u>2.27.130</u>	<u>Annual report</u>
<u>2.27.140</u>	<u>Equipment—Responsibility</u>
<u>2.27.150</u>	<u>Equipment—Assignment authority</u>
<u>2.27.160</u>	<u>Equipment—Prohibited uses</u>

2.27.170 Equipment—Use permitted—When
2.27.180 Private vehicle—Insignia issuance
2.27.190 Private vehicle—Equipment—Right-of-way privilege
2.27.200 Establishment of fire service fee schedule

* Prior ordinance history: Prior code Ch. 3.40.

2.27.010 Established. There shall be a fire department in and for the city to be known as the "Whittier fire department." It shall consist of a fire chief and assistant chief (or chiefs), and as many other officers and firefighters as the city manager may deem necessary for the effective operation of the department. (Ord. 268-93 §4,1993; prior code §10.05.010)

2.27.020 Volunteer fire department—Organization. Members of the fire department who are not regular department officers may organize into a voluntary association with the right to elect their own officers and adopt by-laws. This association shall be known as the volunteer fire department. (Prior code §10.05.020(a))

2.27.030 Volunteer fire department—Generally. The functions and duties of the officers of the volunteer fire department shall not interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department. The volunteer fire department shall in no way limit the power of the fire chief. All property used by the volunteer fire department shall be paid by check upon proper voucher by the regular city authorities. (Prior code §10.05.020(b))

2.27.040 Volunteer fire department—Reimbursement. From time to time in such amounts as the city manager deems advisable, payments may be made to the volunteer fire department for the purpose of giving that association funds with which to reimburse members for personal property damaged while attending fires and for such other purposes in keeping with its functions. (Ord. 268-93 §5,1993; prior code §10.05.020(c))

2.27.050 Fire chief—Appointment. The fire chief shall be elected by the members of the volunteer fire department and confirmed by the director of public safety and shall be responsible to the director of public safety. His/her appointment shall be for a two year term, depending on his/her good conduct and efficiency. He/she shall be technically qualified through training and experience, and shall have the ability to command other volunteers. He/she shall be removed only for just cause by members of the volunteer fire department upon the recommendation of the public safety director. (Ord. 347-97 §2 (part), 1997); (Ord.1 65-90 §1, 1990; prior code §10.05.030(a))

2.27.060 Fire chief—Composition of companies. The fire chief shall determine the number and kind of companies of which the department is to be composed and the response of such companies to alarms. (Ord. 31 §15 (part), 1985; prior code §10.05.030(b))

2.27.070 Fire chief—Officer appointments. The fire chief shall appoint all other officers and firefighters (both paid and volunteer). Such appointments shall be insofar as possible, following fair and impartial competitive examination. All officers shall be accountable to the fire chief or his representative. (Prior code §10.05.030(c))

2.27.080 Fire chief—Budget submittal. The fire chief shall annually submit a tentative budget for his department. (Prior code §10.05.030(d))

2.27.090 Fire chief—Arson suppression. The fire chief shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires. (Prior code §10.05.030(e))

2.27.100 Fire chief—Rules and regulations. The fire chief shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations and any elections, changes or additions shall be effective when approved by and filed with the public safety director with the concurrence of the city manager. (Ord. 268-93 §6, 1993; prior code §10.05.040)

2.27.110 Fire chief—Training requirements. The fire chief or his representative shall, at least two times per month, provide for suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, he shall provide, at least four times per year, quarterly sessions of instructions to include such subjects as first aid, water supplies, and other subjects related to fire suppression. (Prior code §10.05.050(a))

2.27.120 Fire chief—Records maintenance. The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities. (Prior code §10.05.050(b))

2.27.130 Annual report. Current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report. Such other reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared. (Prior code §10.05.050(c))

2.27.140 Equipment—Responsibility. The fire chief shall be responsible to the public safety director for recommending such apparatus or other fire-fighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents. (Ord. 268-93 §7, 1993; prior code §10.05.060(a))

2.27.150 Equipment—Assignment authority. The fire chief or his authorized representative shall have power to assign equipment for response to calls for

outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of the city. (Prior code §10.05.060(b))

2.27.160 Equipment—Prohibited uses. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. (Prior code §10.05.060(c))

2.27.170 Equipment—Use permitted—When. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having the special permission of an officer or authorized member of the department. (Prior code §10.05.060(d))

2.27.180 Private vehicle—Insignia issuance. Each member of the volunteer fire department driving a private car shall be issued a suitable insignia to be attached to the car designating him as a member of the department. (Prior code §10.05.070(a))

2.27.190 Private vehicle—Equipment—Right-of-way privilege. All personal cars of volunteer fire department members shall be equipped with a flashing blue light and shall have right-of-way over all other traffic when responding to an alarm, but shall observe all city traffic ordinances. (Prior code §10.05.070(b))

2.27.200 Establishment of fire service fee schedule. The Public Safety Director for the Whittier Fire Department shall adopt a fee schedule for fire services. The fees shall be based on the costs involved in providing services.

A. All charges for services shall be the obligation of the individual or entity requiring service.

B. Billing to insurance companies for such services shall not be the responsibility of the City, although incident reports required for insurance filing will be provided. (Ord. 352-97, § 2, (adoption new § (A) (B), 1997)

Chapter 2.30

DEPARTMENT OF PUBLIC SAFETY

Sections:

2.30.010 Department of Public Safety

2.30.020 Director of Public Safety

2.30.030 Duties of the Director of Public Safety

2.30.040 Duties of the Division of Police Services

2.30.050 Application of state law on police officer training and certification

2.30.060 Rules and regulations of the Division of Police Services

2.30.070 Outside business

2.30.080 Duties of the Division of Volunteer Fire Services

- 2.30.090 Staffing of the Division of Volunteer Fire Services**
- 2.30.100 Rules and regulations of the Division of Volunteer Fire Services**
- 2.30.110 Duties of the Division of Emergency Medical Services**
- 2.30.120 Staffing of Division of Emergency Medical Services**
- 2.30.130 Rules and regulations of the Division of Emergency Medical Services**

2.30.010 Department of Public Safety. There is created a Department of Public Safety, the head of which shall be the Director of Public Safety. (Ord. 535-08 2008)

2.30.020 Director of Public Safety. The Director of Public Safety shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. (Ord. 535-08 2008)

2.30.030 Duties of the Director of Public Safety. Under the supervision of the City Manager, the Director of Public Safety shall have the following duties:

- A. Supervise all activities of the Divisions of Police, Fire, and Emergency Medical Services; and
- B. Perform other such duties as may be specified in this Code or by the City Manager. (Ord. 535-08 2008)

2.30.040 Duties of the Division of Police Services. It shall be the duty of the Division of Police Services to do the following:

- A. Attempt to apprehend, arrest, and bring to justice all violators of federal, state, or City law;
- B. Attempt to suppress all riots, affrays, and unlawful assemblies, and generally keep the peace;
- C. Serve warrants, writs, executions, and other processes properly directed and delivered to it;
- D. Coordinate search and rescue functions of the City;
- E. Investigate all applicants for any license or permit when such application requires certification by the Department of Public Safety; and
- F. Perform such other duties as shall be required of the Division by the City Manager. (Ord. 535-08 2008)

2.30.050 Application of State Law on Police Officer Training and Certification. The provisions of AS 18.65.130 - 18.65.290, and 13 AAC Chapter 85, which establishes standards for police officer training, certification and examination, shall apply to the Division of Police Services. A person may not be employed as a City of Whittier police officer unless, not later than fourteen (14) months from the date of hire or the expiration of the probationary period, whichever is longer, the person has a valid certificate for their position issued by the Alaska Police Standards Council under AS 18.65.240 or AS 18.65.242, unless an extension is requested by the Director of Public Safety and approved by the Alaska Police Standards Council. (Ord. 535-08 2008)

2.30.060 Rules and Regulations of the Division of Police Services. The Director of Public Safety shall establish a set of rules and regulations governing the discipline, training, and operation of the Division of Police Services. (Ord. 535-08 2008)

2.30.070 Outside Business. Members of the Division of Police Services shall devote their entire time and attention to police business and shall not engage in any other business or calling, except when authorized by the Director of Public Safety to work for an employer outside duty hours in pursuits which will not affect the time or quality of police duty or cause discredit upon, or create embarrassment for the City. Such approval shall be in writing and shall be obtained in advance of any such outside employment. (Ord. 535-08 2008)

2.30.080 Duties of the Division of Volunteer Fire Services. It shall be the duty of the Division of Volunteer Fire Services, among others, to do the following:

- A. Attempt to extinguish fires;
- B. Attempt to rescue persons endangered by fire; and
- C. Promote fire prevention. (Ord. 535-08 2008)

2.30.090 Staffing of the Division of Volunteer Fire Services. The Director of Public Safety may appoint and supervise a Fire Chief to administer the Division of Volunteer Fire Services. The Fire Chief will recruit and supervise the volunteer staff. (Ord. 535-08 2008)

2.30.100 Rules and Regulations of the division of volunteer Fire Services. The Director of Public Safety shall establish a set of rules and regulations governing the discipline, training, and operation of the Division of Volunteer Fire Services. (Ord. 535-08 2008)

2.30.110 Duties of the Division of Emergency Medical Services. It shall be the duty of the Division of Emergency Medical Services, among others, to do the following:

- A. Attempt to ensure ambulance response to requests for emergency assistance; and
- B. Maintain adequate membership of emergency medical technicians in the volunteer ambulance service. (Ord. 535-08 2008)

2.30.120 Staffing of Division of Emergency Medical Services. The Director of Public Safety may appoint and supervise a Coordinator to administer the Division of Emergency Medical Services. The Coordinator will recruit and supervise the volunteer staff. (Ord. 535-08 2008)

2.30.130 Rules and Regulations of the Division of Emergency Medical Services. The Director of Public Safety shall establish a set of rules and regulations governing the discipline, training, and operation of the Division of Emergency Medical Services. (Ord. 535-08 2008)

Chapter 2.31

DISCRIMINATION PROHIBITED

2.31.010 Prohibited. No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations. (Prior code §2.15.030)

CHAPTER 2.34

DEPARTMENT OF PUBLIC WORKS

Sections:

2.34.010 Department of Public Works

2.34.020 Director of Public Works

2.34.030 Duties of the Director of Public Works

2.34.010 Department of Public Works. There is created a Department of Public Works, the head of which shall be the Director of Public Works. (Ord. 535-08 2008)

2.34.020 Director of Public Works. The Director of Public Works shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. (Ord. 535-08 2008)

2.34.030 Duties of the Director of Public Works. Under the supervision of the City Manager, the Director of Public Works shall have the following duties:

- A. Be responsible for all matters pertaining to construction, management, maintenance, and operation of City facilities under the Department of Public Works' jurisdiction;
- B. Coordinate with the Department of Administration the planning of such changes or improvements to City facilities as are essential or desirable for the future growth of the City;
- C. See that no encroachments of fences, buildings, or otherwise are made upon any street, public land, or land of the City;
- D. Attempt to supervise and direct enforcement of the City's land use ordinances, rules, and regulations;
- E. Provide technical and staff support to the Planning Commission/Platting Board;
- F. Review all building permits for consistency with the requirements set forth in Title 17 of this Code; and
- G. Perform other duties as may be specified in this Code or by the City Manager.

- H. Upon request, furnish to all applicants, so far as the records reasonably allow, any information pertaining to the lines and grades of streets on which the applicant's home is situated, or upon which the applicants may intend to build;
- I. Prepare or cause to be prepared all contracts, and all specifications that may be required for public works, subject to review by the City Attorney; and
- J. Maintain the City streets, sidewalks, public lands, grounds, and buildings under the Department of Public Works' jurisdiction.
- K. Manage the City's water and wastewater utilities;
- L. Administer the water and wastewater enterprise fund;
- M. Supervise all matters related to the management, operation, and maintenance of the City's public utility facilities and systems;
- N. Coordinate with the Department of Administration on fiscal matters relating to the administration of the utility enterprise funds; and
- O. Coordinate the maintenance and use of the parks, recreational areas, playgrounds, and other City facilities used in conjunction with the recreational programs and activities sponsored or administered by the City. (Ord. 535-08 2008)

Chapter 2.38

PORT AND HARBORS DEPARTMENT

Sections:

2.38.010 Port and Harbors Department

2.38.020 Harbormaster

2.38.030 Duties of the Harbormaster

2.38.010 Port and Harbors Department. There is created a Port and Harbors Department, the head of which shall be the Harbormaster. The Harbormaster position is at the director level for classification purposes. (Ord. 535-08 2008)

2.38.020 Harbormaster. The Harbormaster shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. (Ord. 535-08 2008)

2.38.030 Duties of the Director of Port and Harbors. Under the supervision of the City Manager, the Harbormaster shall have the following duties:

- A. Manage the City's port and harbors and parking facilities;
- B. Administer the port and harbors and parking enterprise funds;
- C. Supervise all matters related to the management, operation, and maintenance of the City's port and harbors and parking facilities;
- D. Coordinate with the Director of Public Works on the construction of capital projects related to the City's port and harbors and parking facilities;
- E. Coordinate with the Department of Administration on fiscal matters relating to the administration of the port and harbors and parking enterprise funds; and
- F. Perform other duties as may be specified in this Code or by the City Manager. (Ord. 535-08 2008)

Chapter 2.50

BOARDS AND COMMISSIONS GENERALLY

Sections:

<u>2.50.010</u>	<u>Applicability</u>
<u>2.50.020</u>	<u>Appointment authority</u>
<u>2.50.030</u>	<u>Qualifications required</u>
<u>2.50.040</u>	<u>Term</u>
<u>2.50.050</u>	<u>Vacancies</u>
<u>2.50.060</u>	<u>Compensation</u>
<u>2.50.070</u>	<u>Officers</u>
<u>2.50.075</u>	<u>Council members—As members of boards and commissions</u>
<u>2.50.080</u>	<u>Ex-officio members</u>
<u>2.50.085</u>	<u>Membership on more than one board and commission</u>
<u>2.50.090</u>	<u>Meetings</u>
<u>2.50.100</u>	<u>Quorum</u>
<u>2.50.110</u>	<u>Procedures</u>
<u>2.50.120</u>	<u>Reports and minutes</u>

2.50.010 **Applicability.** This chapter governs all city boards and commissions, except as otherwise provided by law. (Ord. 535-08 2008; Prior code §2.34.010)

2.50.020 **Appointment authority.** The council appoints members of boards and commissions. (Ord. 535-08 2008; Prior code §2.34.020)

2.50.030 **Qualifications required.** In addition to any other qualifications required by law, a board or commission member shall be qualified to vote in city elections unless otherwise designated by majority council as to qualifications. ((Ord. 535-08 2008; Prior code §2.34.030)

2.50.040 **Term.** The term of a board or commission member is three years and until his successor is appointed and qualifies; provided that the un-expired term of a board or commission member that began before the enactment of this title shall continue until the time for its expiration under the law in effect when the term began, and until his successor is appointed and qualifies; and, provided further, to stagger the terms of the first member of a board or commission, those members shall determine by lot at their first meeting whether their first term will be one, two or three years, so that as near as possible to one-third of the terms will expire every year. When a board or commission member's term expires in the current year, it shall expire on the first Monday in October when council meets. The council, on the first Monday in November, shall appoint these expired seats. ((Ord. 535-08 2008; Ord. 166-90 §1, 1990; prior code §2.34.040)

2.50.050 Vacancies.

A. A vacancy on a board or commission shall be filled as provided in Section 2.34.020 for the remainder of the term of the former member.

B. A vacancy occurs when:

1. An appointee fails to qualify and assume the duties of the office within thirty days of confirmation;
2. A member departs the city intending to remain outside the city for ninety days or more;
3. A member submits a resignation accepted by the council;
4. A member is physically or mentally unable to perform the duties of the office;
5. A member is removed from office;
6. A member misses three consecutive regular meetings of the board or commission unless excused; or
7. A member is convicted of a felony or of an offense violating his oath of office. (Ord. 535-08 2008; Prior code §2.34.050)

2.50.060 Compensation. Members of boards and commissions serve without compensation. (Ord. 535-08 2008; Prior code §2.34.060)

2.50.070 Officers. Each board and commission annually shall elect from its voting membership a chairman and vice chairman. The chairman shall preside at meetings of the board or commission, and shall represent the board as directed by its membership. The vice chairman shall act in the absence or disqualification of the chairman. (Ord. 535-08 2008; Prior code §2.34.070)

2.50.075 Council Members—As members of boards and commissions. No board or commission shall have as a member or ex officio member more than one council member. As used herein "council member" includes the mayor. Ord. 535-08 2008; Ord. 224-92 §1, 1992)

2.50.080 Ex-officio members. The city council may designate a city employee, council member or other qualified person an ex-officio member of a board or commission for the purpose of acting as a secretary to the board or commission or to furnish the board or commission with technical advice and information. An ex-officio member may not vote on any question to be determined by the board or commission and is not a member for the purpose of establishing a quorum. An ex-officio member receives no compensation as board or commission member. (Ord. 535-08 2008; Prior code §2.34.080)

2.50.085 Membership on more than one board and commission. The city shall make every effort to provide opportunities to all its qualified residents to serve on boards and commissions. In making appointment to boards and commissions, the city council may in its discretion appoint individuals to serve concurrently on more than one board or commission. Each appointment requires that the individual meet all ordinance requirements for service on each and every board or commission for which the appointment applies. (Ord. 535-08 2008; Ord. 311-94, §2, 1994)

2.50.090 Meetings.

A. A board or commission shall hold regular monthly meetings at such time and place as the board or commission may designate from time to time, but meeting need not be held if no business is pending.

B. The chairman or secretary of a board or commission may call a special meeting of the board or commission. (Ord. 535-08 2008; Prior code §2.34.090)

2.50.100 Quorum. A majority of the voting members of a board or commission shall be a quorum for the transaction of business. In the absence of a quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date. (Ord. 535-08 2008; Prior code §2.34.100)

2.50.110 Procedures. A board or commission shall establish its own procedural rules and order of business, except as otherwise provided by law. In all matters of procedure not governed by such rules or other provisions of law, Mason's Manual of Legislative Procedure, 1979 Edition, shall govern. (Ord. 535-08 2008; Prior code §2.34.110)

2.50.120 Reports and minutes. Each board or commission shall keep minutes of its proceedings. The minutes shall record the vote of each member upon every question formally presented to the board or commission for its consideration. The minutes shall be filed in the office of the clerk. (Ord. 535-08 2008; Prior code §2.34.120)

*Editor's Note: Chapter 2.38, Environmental Protection Commission was repealed in its entirety by Ordinance No. 422-01, Section 2, 2001.

*Editor's Note: Chapter 2.42, Chamber of Commerce was repealed in its entirety by Ordinance No. 358-97, Section 2, 1997.

*Editor's Note: Chapter 2.44, Senior Citizens Committee was repealed in its entirety by Ordinance No. 423-01, Section 2, 2001.

Chapter 2.52

PLANNING COMMISSION

Sections:

2.52.010 Planning commission--Establishment.

2.52.020 Planning commission--Duties generally

2.52.030 Planning commission--Platting authority.

2.52.040 Planning commission--Membership.

2.52.060 Planning commission--Recall of member

2.52.070 Planning commission--Appointment.

2.52.080 Planning commission--Term.

2.52.090 Planning commission--Officers.

- 2.52.100 Planning commission--Vacancies.**
- 2.52.110 Planning commission--Quorum.**
- 2.52.120 Planning commission--Meetings--Regularity.**
- 2.52.130 Planning commission--Meetings--To be public--Records.**
- 2.52.140 Planning commission--Meetings--Procedures.**
- 2.52.150 Planning commission--Meetings--Order of business.**
- 2.52.160 Planning commission--Resolution form.**
- 2.52.170 Planning commission--Resolution conformance.**
- 2.52.180 Planning commission--Compensation.**
- 2.52.190 Planning commission--Duty to council.**
- 2.52.200 Planning commission--Hearing notice.**
- 2.52.210 Planning commission--Platting, variance and conditional use actions.**
- 2.52.220 Planning commission--Affirmative vote required.**

2.52.020 Planning commission--Establishment. A planning commission is established for the city to perform the functions of planning, platting and zoning. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(part))

2.52.030 Planning commission--Duties generally. It shall be the duty of the commission to hold public hearings when necessary and make recommendations to the council on matters concerning or relating to planning and zoning, the enforcement of appropriate regulations and amendments to ordinances, or other matters within the scope of the planning and zoning power. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1-984: prior code §23.25.020(A))

2.52.040 Planning commission--Platting authority. The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city, will review plats, replats, and vacation of public ways of which shall be approved or rejected by council. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(B))

2.52.050 Planning commission--Membership. The membership of the planning commission will consist of five citizens who are residents of the city. The citizens must have resided in the city for six months in order to be a member of the planning commission. Members shall be appointed by the mayor and subject to confirmation by the city council. (Ord. 535-08 2008; Ord. 364-97 §2, 1997: Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(C))

2.52.060 Planning commission--Recall of member. A member may be recalled for any of the following reasons: conflict of interest; violations of the code of ethical standards, Chapter 2.24; legal misconduct; lack of participation or other problems of a serious nature. A petition may also be signed by at least twenty citizens of the city requesting recall. This petition may be presented to the council. The council will review the petition and make a decision within twenty days. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(D))

2.52.070 Planning commission--Appointment. Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(E))

2.52.080 Planning commission--Term.* Members shall be appointed for a term of three years. During the current triennium the terms of Seats A and B expire in 1993; the terms of Seats C and D expire in 1992; and the term of Seat E expires in 1994. (Ord. 535-08 2008; Ord. 223-92 §1, 1992: Ord. 7-19-84 §1(Part), 1984: prior code §23.25.020(F))

2.52.090 Planning commission--Officers. The commission shall designate a member as its presiding officer to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer, and a clerk. The clerk shall prepare the journal of the commission's proceedings. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(G))

2.52.100 Planning commission--vacancies. A vacancy shall be declared, and filled as above provided when the member:

- A. Fails to qualify and take his office within thirty days after his confirmation by the council;
- B. Departs from the city with the intent to remain away for a period of ninety days or more or is physically absent from the area he was appointed to represent for a period of ninety or more days;
- C. Submits his resignation and the resignation is accepted by the mayor;
- D. Is physically or mentally unable to attend commission meetings for a period of more than ninety days;
- E. Misses three or more consecutive regular meetings; and
- F. Is convicted of a felony or of an offense involving a violation of his oath of office.

The clerk of the planning commission shall keep attendance records and notify the mayor when vacancies occur. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(H))

2.52.110 Planning commission--Quorum. A majority of voting membership constitutes a quorum. Any act of the commission requires a majority affirmative vote of those voting members present. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(I.))

2.52.120 Planning commission--Meetings—Regularity. Regular meetings of the planning commission shall be held on the second Tuesday of each month. Special meetings may be called by the presiding officer, or shall be called by or at the written request of two commission members. (Ord. 535-08 2008; Ord. 389-99 §2, 1999: Ord. 223-92 §2, 1992: Ord. 64, 1987: Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(J))

2.52.130 Planning commission--meetings--To be public--Records.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the clerk of the city and retained as public records. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(K))

2.52.140 Planning commission--Meetings--Procedures.

Meetings shall be conducted under Robert's Rules of Procedures, and such modified or amended rules as may be adopted by the commission. (Ord. 535-08 2008; Ord. 7-19-84 §1 (part), 1984: prior code §23.25.020(L))

2.52.150 Planning commission--Meetings--Order of business.

The order of business at regular meetings shall be as follows:

- A. Approval of minutes of previous meeting, as amended or corrected;
- B. Reading and disposition of correspondence;
- C. Unfinished business;
- D. New business; and
- E. Miscellaneous business.

The order of business at special meetings shall be prescribed by the presiding officer. (Ord. 535-08 2008; Ord. 7-19-84 §1 (part), 1984: prior code §23.25.020(M))

2.52.160 Planning commission--Resolution form.

All formal acts of the commission shall be by resolution bearing:

- A. The heading "City of Whittier Planning Commission";
- B. The space for the serial number to be assigned:
"Resolution, Serial No. _____"
- C. A short and concise title descriptive of its subject and purposes;
- D. Short premises and whereas clauses descriptive of the reasons for the resolution, if necessary;
- E. The resolving clause, "Be it Resolved"; and
- F. Provision for signature after the text, "Adopted (date)" and designating lines for the signatures of the commission presiding officer and the city clerk. (Ord. 535-08 2008; Ord. 7-19-84 §1(Part), 1984: prior code §23.25.020(N))

2.52.170 Planning commission--Resolution conformance.

All resolutions adopted by the commission whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth in Section 2.52.180 and shall be on paper suitable for filing. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(P))

2.52.180 Planning commission--Compensation.

Compensation and expenses of the planning commission and its staff are paid as directed by the city council. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.020(Q))

2.52.190 Planning commission--Duty to council.

The planning commission shall prepare and recommend to the city council:

- A. A comprehensive plan consisting of maps and related texts for the systematic development of the city;

- B. A zoning ordinance to implement the comprehensive plan;
- C. A subdivision ordinance;
- D. The official map of the city. Said map shall include reference to zoning and other applicable restrictions prescribed by the commission; and
- E. Modification to the documents specified in subsections A through D of this section. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.021(A))

2.52.200 Planning commission--Hearing notice. The commission shall publish notice of and hold at least one public hearing before submitting its recommendations under Section 2.52.190 to the council. Notice shall be published in the same manner as in the case of ordinances. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.021(B))

2.52.210 Planning commission--Platting, variance and conditional use actions. The planning commission shall:

- A. Act as the platting board;
- B. Act upon requests for variances; and
- C. Act upon requests for conditional uses. (Ord. 535-08 2008; Ord. 7-19-84 §1(Part), 1984: prior code §23.25.021(C))

2.52.220 Planning commission--Affirmative vote required. Subject to any ordinance adopted pursuant to AS 29.33.245, no platting request, variance or conditional use may be granted except upon an affirmative vote of a majority of the voting members of the commission. (Ord. 535-08 2008; Ord. 7-19-84 §1(part), 1984: prior code §23.25.021(D))

Chapter 2.54

PORT AND HARBOR COMMISSION

Sections:

- 2.54.010 Definitions**
- 2.54.020 Membership—Organization**
- 2.54.030 Procedures generally**
- 2.54.040 Duties**
- 2.54.050 Filling of vacancies**
- 2.54.060 Cooperation of other agencies—Staff**

2.54.010 Definitions. "Port" or "port facility" means all facilities, systems, and city property adjacent to all navigable contiguous waterways within the city limits of the city, including, but not limited to, the fuel dock, the city cargo dock, the small boat harbor, the ocean dock, and any other similar facility presently existing or which may be developed or obtained in the future. (Ord. 535-08 2008; Ord. 38 (part), 1986)

2.54.020 Membership—Organization.

A. The port commission shall consist of seven members. At least five members shall be residents. Up to a maximum of two (with expertise) may be nonresidents of Whittier who are registered to vote in the State of Alaska. The seven members shall be appointed by the mayor subject to confirmation by the city council. Appointments to the commission shall be for three-year staggered terms except where an interim appointment is necessary to complete the term of a commissioner who resigns, dies, or is otherwise removed from office. In the event of vacancies, the mayor, subject to confirmation by the city council, shall make an appointment to fill the un-expired term of the absent member. Members may be removed by the city council at any time. Chairpersons shall be elected by and from the commission and shall serve in this capacity for a one-year period. The city shall provide staff support for the commission.

B. The commission shall establish rules of procedure providing that there be regular meetings of the commission. The port and harbor commission shall hold one meeting each month, which shall be on the third Saturday. Special meetings may be called at the discretion of the chairperson or by a majority of the voting members of the commission. No member shall miss more than three consecutive regular meetings or three unexcused meetings. All meetings of the commission shall be open to the public.

C. A majority of the commission shall constitute a quorum for the transaction of business. Four affirmative votes shall be necessary to carry any question.

D. The permanent records, or minutes, shall be kept. The minutes shall be properly filed in the office of the city clerk and shall be open to inspection by any person.

E. To the extent possible, membership will be made up of representatives of recreation industry, transportation industry, tourism industry, and commercial fishing industry. (Ord. 535-08 2008; Ord. 367-97 §2, (A)(part) and (E)(part), 1997; Ord. 365-97 §2, (C)(part) 1997; Ord. 233-92 §1, 1992; Ord. 182-91 §1, 1991; Ord. 38 (part), 1986)

2.54.030 Procedures generally.

A. The commission shall act as an advisory board to the city council in port and harbor matters. All resolutions and either minutes of the port commission, or a similar report, shall be presented to the city council by a commission member, or in his absence, by the city manager.

B. An agenda of meetings shall be prepared and published according to established rules of the city council. (Ord. 535-08 2008; Ord. 367-97, §3, 1997; Ord. 38 (part), 1986)

2.54.040 Duties. The commission shall:

A. Advise the council with respect to the operation, management, regulation and control of the city's port and harbor facilities which include, but are not limited to, the city dock, the fuel dock, the small boat harbor, ocean dock, and any other facility within the port of Whittier, all of which are referred to in this chapter as the "port facilities";

B. Advise the council with respect to the port facilities concerning the acquisition, ownership, exchange, transfer, lease, rent, conveyance or disposal, and use of real or personal property and any interest therein;

- C. Review contracts prior to execution, and monitor and periodically report to the council concerning the status of all contracts executed with respect to the port facilities;
- D. Advise the council with respect to the construction, improvement, alteration, or repair of a port facility or any part thereof;
- E. Assist the council in developing ways and means whereby the city may encourage and permit the development of port facilities by private and public developers and builders;
- F. Hear appeals from actions of the port director;
- G. Perform analysis and make recommendations to the council with respect to the setting and adjustment by the city, from time to time as deemed necessary, of rent and fee schedules pertaining to port facilities and of routes, fares, schedules, and levels of service pertaining to use of the port facilities;
- H. Periodically review the budget, capital improvement programs, and funding of city-owned or municipal port facility and systems, and report its findings to the council;
- I. Establish fares, rates, or fees which will pay the cost of operation, administration, maintenance, and replacement of facilities at the end of the expected life of those facilities;
- J. Perform such other duties as the council may refer to it from time to time;
- K. Do such other acts as are necessary and proper for the performance of the duties and functions set forth in this chapter. (Ord. 535-08 2008; Ord. 38 (part) 1986)

2.54.050 Filling of vacancies. A vacancy shall be declared and filled as provided when a member:

- A. Fails to qualify and take his office within thirty days after confirmation by the city council;
- B. Departs from the city with the intent to remain away for a period of ninety days or more, or is physically absent from the city for ninety days or more;
- C. Submits a resignation to the mayor;
- D. Is physically or mentally unable to attend commission meetings or to attend to commission business;
- E. Is absent from three or more consecutive, regular meetings of the commission without an excuse approved by the commission;
- F. Is convicted of a felony or other offense, an element of which is a violation of his or her oath of office;
- G. Is or becomes so directly interested in port and harbor matters in the course of his or her private affairs, that his or her membership on the commission, and the belief of the commissioners or the city council, creates a conflict or the pervasive appearance of a conflict of interest. (Ord. 535-08 2008; Ord. 38 (part), 1986)

2.54.060 Cooperation of other agencies—Staff.

- A. The port commission, as an advisory board of the city council, shall receive full cooperation and support from the city manager which shall include, but not be limited to, full access to any and all information bearing on the port and harbor matters, office or other administrative support, and the attendance of the city manager and staff as may be required by the commission in the execution of its duties.

B. The commission shall be provided with such office space as it shall require to file its minutes, correspondence, resolutions, administrative regulations, and other documents which shall constitute public records of the city.

C. The city manager shall, in a prompt and expeditious manner, make available to the port commission such consultants, agents, attorneys, city staff, and other persons engaged by the city to aid the commission in furtherance of the performance of the commission's duties. (Ord. 535-08 2008; Ord. 38 (part) 1986)

Chapter 2.64

EMERGENCY SERVICES

Sections:

- 2.64.010 Intent and purpose
- 2.64.020 Suspension of conflicting orders, rules, ordinances and regulations
- 2.64.030 Definitions
- 2.64.040 Administration
- 2.64.050 Coordinating agency designated
- 2.64.060 Provisions not to relieve responsibility or authority
- 2.64.070 Director—Succession
- 2.64.080 Director—Responsibility
- 2.64.090 Director—Authority
- 2.64.100 Director—Dissemination of orders
- 2.64.110 Director—Proclamation of disaster emergency—When
- 2.64.120 Director—Proclamation of disaster emergency—Authority
- 2.64.130 Director—Manager to assume powers—When
- 2.64.140 Director—Emergency powers
- 2.64.150 Director—Authority to obtain necessities
- 2.64.160 Director—Authority to send or request aid
- 2.64.170 Office of emergency management—Creation
- 2.64.180 Office of emergency management—Coordinator appointment
- 2.64.190 Office of emergency management—Function
- 2.64.200 Office of emergency management—Responsibility
- 2.64.210 Office of emergency management—Duties during emergency
- 2.64.220 Office of emergency management—Advice and assistance
- 2.64.230 Office of emergency management—Plan incorporation
- 2.64.240 Office of emergency management—Plan approval
- 2.64.250 Office of emergency management—Preparedness duties
- 2.64.260 Financing—Policy
- 2.64.270 Financing—Appropriation
- 2.64.280 Financing—Authority
- 2.64.290 Compensation—Personal services
- 2.64.300 Compensation—Property
- 2.64.310 Compensation—Filing claim
- 2.64.320 Compensation—Calculation
- 2.64.330 Compensation—Death and injury benefits

2.64.340 Liability—Exemption for city and its agents

2.64.350 Liability—Exemption for grantor to city

2.64.360 Disaster prevention

2.64.370 Limitations

2.64.380 Civil defense advisory board—Establishment

2.64.390 Civil defense advisory board—Duty and powers

2.64.400 Violation—Penalty

2.64.010 Intent and purpose. It is the intent and purpose of this chapter to provide for the complete and efficient utilization of the city's personnel, facilities and equipment in the event of natural or manmade disasters and disasters resulting from enemy actions, and to provide for the coordination of disaster and civil defense functions of the city with all other public agencies and affected private persons, corporations and organizations. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.010(A))

2.64.020 Suspension of conflicting orders, rules, ordinances and regulations. At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.106)

2.64.030 Definitions. The following definitions shall apply in the interpretation of this chapter:

A. "Attack" means a direct or indirect assault against the city, its government, its environs, or the nation by forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.

B. "Civil defense," in its broad meaning, is to carry out the basic governmental functions of maintaining the public peace, health and safety during a civil emergency. This should include plans and preparation for protection from, and relief, recovery and rehabilitation from, the effects of an attack on the city by the force of an enemy nation or the agents thereof, and it shall also include such activities in connection with a civil emergency as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

C. "Civil defense forces" means the employees, equipment and facilities of all city departments, boards, institutions and commissions; and, in addition it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

D. "Civil defense volunteer" means any person duly registered, identified and appointed by the coordinator of the office of emergency management and assigned to participate in the civil defense activity.

E. "Civil disorder" means a public disturbance involving:

1. An act or acts of violence by one or more persons part of an assemblage of four or more persons, which act or acts constitute a clear and present danger of or result in damage or injury to the property of any other persons or to the person of any other individual; or

2. A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of four or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in damage or injury to any other person or the person of any other individual.

F. "Civil emergency" means:

1. A civil disorder;
2. A natural or manmade calamity.

G. "Coordinator" means the coordinator of the office of emergency management, appointed as prescribed in this chapter.

H. "Curfew" means a prohibition against any person walking, running, loitering, standing or operating a vehicle upon any public property, alley, sidewalk, thoroughfare, vehicle parking area or vacant premises within the city, except as required for persons officially designated to duty with reference to the civil emergency.

I. "Director" means the city manager or his designated alternate duly appointed in accordance with the law.

J. "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, earthquake, epidemic or other impending or actual calamity endangering or threatening to endanger health, life, property, or constituted government.

K. "Intoxicating liquor" means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended or used for human consumption and containing more than one percent alcohol by volume.

L. "Regulation" includes plans, programs and other emergency procedures deemed essential to civil defense.

M. "Volunteer" means contributing a service, equipment or facilities to the civil defense organization without remuneration. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.020)

2.64.040 Administration. This chapter shall be administered by the office of emergency management, which is responsible to, and which may receive delegations of authority from the city manager. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.103)

2.64.050 Coordinating agency designated. The Whittier office of emergency management (OEM) will be the coordinating agency for all activity in connection with civil defense and other disaster operations; it will be the instrument through which the director, OEM, may exercise the authority and discharge the responsibilities vested in him by Chapter 20 (Civil Defense) and Chapter 23 (Alaska Disaster Act) of Title 26 of the Alaska Statutes, as amended, and this chapter. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.010(B))

2.64.060 Provisions not to relieve responsibility or authority. This chapter will not relieve any city department of the moral responsibilities or authority given to it by law, nor will it adversely affect the work of any volunteer agency

organized for relief in disaster emergencies. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.010(C))

2.64.070 Director—Succession. Should the office of the director, Whittier office of emergency management (OEM), become vacant or should the director be absent or unable to perform the duties of the OEM, the order of interim succession shall be determined as follows:

- A. The mayor shall assume the office of director, OEM.
- B. Should the director and acting director be absent or unable to perform the duties of the OEM, the vice mayor shall assume the office of director, OEM. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.030)

2.64.080 Director—Responsibility. The director, OEM, is responsible for meeting the dangers presented by disasters to the city and its people. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(A))

2.64.090 Director—Authority. The director, OEM, may issue orders, proclamations and regulations to carry out the purpose of this chapter, and amend or rescind them. These orders, proclamations and regulations have the force of law. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(B))

2.64.100 Director—Dissemination of orders. An order, proclamation or regulation issued under this chapter shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless prevented or impeded by circumstances attendant upon the disaster, a copy will be filed with the city clerk. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(C))

2.64.110 Director—Proclamation of disaster emergency—When. A condition of disaster emergency shall be declared by proclamation of the director if he finds that a disaster has occurred or that such an occurrence is imminent or threatened. If the city council is not in session when a proclamation is issued, concurrent with the issuance of the proclamation, a special session of the city council will be requested to ratify the actions taken under this chapter. The emergency proclaimed in accordance with the provision of Sections 2.48.080 through 2.48.160 shall terminate after seven days from the issuance of a proclamation, or upon issuance of a proclamation or resolution of the council declaring that an emergency no longer exists, whichever occurs first, except that such emergency may be extended for such additional periods of time as deemed necessary by resolution of the council. All proclamations issued under this section shall indicate the nature of the disaster, the areas threatened or affected, and the conditions which have brought it about or which make possible the termination of the disaster emergency. A copy of all proclamations issued under this section shall, if possible, be sent to the Alaska Division of Emergency Services. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(D))

2.64.120 Director—Proclamation of disaster emergency—Authority. A proclamation of a disaster emergency activates the disaster response and recovery aspects of the city disaster emergency plans and constitutes authority for the deployment and use

of any civil defense forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available under this chapter or any other provisions of law relating to disaster emergency response. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(E))

2.64.130 Director—Manager to assume powers—When. During the effective period of a disaster emergency, the city manager is the director of all civil defense and other unorganized forces available for emergency duty. The city manager may delegate or assign direction authority by appropriate orders or regulations. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(F))

2.64.140 Director—Emergency powers. In addition to any other powers conferred upon the city manager by law, he may, under this chapter:

- A. Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of city business, or the orders or regulations of any city department, if compliance with the provisions of the statute, order or regulation would prevent, or substantially impede or delay, action necessary to cope with the disaster emergency;
- B. Use all the resources of the city government as reasonably necessary to cope with the disaster emergency;
- C. Transfer personnel or alter the functions of city departments and offices or units of them for the purpose of performing or facilitating the performance of disaster emergency management.
- D. Subject to any applicable requirements for compensation under Sections 2.48.290 through 2.48.330 of this chapter, commandeer or utilize any private property, except for the news media other than as specifically provided for in this chapter if he considers them necessary to cope with the disaster emergency;
- E. Direct and compel the relocation of any or part of the population from any stricken or threatened area in the city, if he considers relocation necessary for the preservation of life or for other disaster mitigation purposes;
- F. Prescribe routes, modes of transportation and destination in connection with necessary relocation;
- G. Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it;
- H. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, ammunition, explosives, and combustibles;
- I. Make provisions for the availability and use of temporary emergency housing;
- J. Impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated and restricted curfew areas to remove themselves from public property, streets, alleys, sidewalks, thoroughfares, vehicle parking areas or other public places except that physicians, nurses and paramedical personnel performing essential medical services, utility personnel maintaining essential public services, firemen, members of the news media upon showing of authorized press cards, civil defense volunteers and city, state, and federal authorized law enforcement officers and personnel

may be exempted from such curfew. The curfew may be applicable to any such hours of the day or night as the director deems necessary for the interest of public safety;

K. Allocate, ration, or redistribute food, water, clothing and other items he deems necessary. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(G))

2.64.150 Director—Authority to obtain necessities. The director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people, and bind the city for the fair value thereof. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(H))

2.64.160 Director—Authority to send or request aid. The director may order civil defense forces to the aid of other communities when required in accordance with the statutes of the state and may request the state or political subdivision of the state to send aid to the city in case of disaster when conditions in the city are beyond the control of the city's civil defense forces. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.040(I))

2.64.170 Office of emergency management—Creation. There is created in the office of the city manager an office of emergency management possessing the powers and duties set out in Sections 2.48.200 through 2.48.250 of this chapter. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.060(A))

2.64.180 Office of emergency management—Coordinator appointment. The city manager shall appoint an emergency management coordinator for the office of emergency management who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from any enemy action or disaster as defined in this chapter. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.060(B))

2.64.190 Office of emergency management—Function. The office of emergency management will function as the disaster agency with the city as defined in AS 26.23.060. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.060(C))

2.64.200 Office of emergency management—Responsibility. The emergency management coordinator shall be responsible to the city manager in regard to all phases of the civil defense activity in the city. Under the supervision of the city manager, he shall maintain liaison with the state and federal authorities of other nearby political subdivisions as to insure the most effective operation of the emergency preparedness plan. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.070(A))

2.64.210 Office of emergency management—Duties during emergency.

The office of emergency management shall prepare and maintain a city emergency plan and keep it current. The plan may include provisions for:

- A. Prevention and minimization of injury and damage caused by disasters;
- B. Prompt and effective response to disasters;
- C. Emergency relief;
- D. Recommendations for zoning, building and other land use controls, safety measures for securing mobile homes and other non-permanent or semi-permanent structures, and other preventative and preparedness measures designed to eliminate, reduce, or mitigate disasters or their impact;
- E. Assistance to local officials in designing local emergency action plans and standard operating procedures;
- F. Authorizations and procedures for the construction of temporary works designed to protect against or mitigate danger, damage or loss from disaster;
- G. Preparation and distribution to the appropriate local officials of catalogs or extracts listing federal, state, city and private assistance programs;
- H. Organization of manpower and command and control;
- I. Coordination of federal, state and local disaster activities;
- J. Coordination of the city emergency plan with the disaster plans of the state government;
- K. Other matters necessary to carry out the purpose of this chapter. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.070(B))

2.64.220 Office of emergency management—Advice and assistance.

In preparing and maintaining the city emergency plan, the office of emergency management shall seek the advice and assistance of local government, business, industry, civic and volunteer organizations, community leaders, and the city civil defense advisory board. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.070(C))

2.64.230 Office of emergency management—Plan incorporation.

The city emergency plan or any part of it may be incorporated in regulations or orders of the office of emergency management. Regulations and orders of the office of emergency management have the force of law when properly promulgated by the city manager in accordance with Sections 2.48.080 through 2.48.160 of this chapter. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.070(D))

2.64.240 Office of emergency management—Plan approval.

The basic plan and all amendments shall be submitted to the city manager. If approved after coordination with all departments involved, the city manager will submit the plan and its amendments to the city council for their approval. The plan and any amendments will take effect thirty days from the date of approval unless action is taken by the council disapproving the city manager's submission. In the event the plan or amendment is pending at the time that a disaster is proclaimed under the provisions of this chapter, the plan or amendment will be considered approved immediately and will remain effective unless specifically revoked by the council. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.070(E))

2.64.250 Office of emergency management—Preparedness duties. The office of emergency management shall:

- A. Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for civil defense purposes;
- B. Develop and coordinate plans for the immediate use of facilities, equipment, manpower and other resources of the city for the purposes of minimizing or preventing damage to persons and property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare;
- C. Negotiate and conclude agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for civil defense purposes and designating suitable buildings as public shelters;
- D. Through public information programs, educate the public as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present;
- E. Conduct public practice alerts and training to insure the efficient operation of civil defense forces and to familiarize residents with civil defense procedures;
- F. Coordinate the activity of all other public and private agencies engaged in civil defense activities;
- G. Determine requirements of the city for food, clothing and other necessities in the event of a disaster emergency;
- H. Procure and preposition supplies, medicines, materials and equipment;
- I. Adopt standards and requirements for local plans and standard operating procedures;
- J. Determine requirements and standards for local disaster communications;
- K. Make surveys of industries, resources and facilities in the city, both public and private as are necessary to carry out the purpose of this chapter;
- L. Establish a register of persons with types of training and skills important in disaster prevention, preparedness, response, and recovery skills;
- M. Establish a resource manual of mobile and construction equipment, temporary housing and other resources available for use in a disaster emergency;
- N. Prepare for issuance by the city manager orders, proclamations and regulations as necessary or appropriate in coping with disasters;
- O. Develop and carry out procedures and policies to effectively employ disaster relief funds made available by the city manager's authority or by the governor's authority through the Alaska Division of Emergency Services; these procedures shall include application and documentation, review, verification and funding approval; and
- P. Do other things necessary or proper for the implementation of this chapter, including assuming such authority and conducting such activity as the city manager may direct to promote and execute the emergency plan. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.070(F))

2.64.260 Financing—Policy. It is the intent of the council and the administration and declared to be the policy of the city, that funds to meet disaster emergencies will always be available. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.080(A))

2.64.270 Financing—Appropriation. Whenever, and to the extent that money is needed to cope with disaster, the first recourse shall be to funds regularly appropriated to local agencies. If money available from these sources is insufficient the city manager may, notwithstanding any limitations imposed by local ordinance, transfer or spend money appropriated for other purposes, or, in situations involving natural or manmade disasters, borrow from the federal or the state government or other public or private sources for a term not to exceed two years. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.080(B))

2.64.280 Financing—Authority. Nothing in Sections 2.48.260 and 2.48.270 limits the city manager's authority to apply for, receive, administer and spend grants, gifts or payments from any source, to aid in disaster prevention, preparedness response or recovery. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.080(C))

2.64.290 Compensation—Personal services. No personal services may be compensated by the city or agency or it, except in accordance with Alaska law or local ordinance. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.090(A))

2.64.300 Compensation—Property. Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency, and use or destruction was ordered by the city manager or by a member of the disaster emergency forces of this city who is authorized by the office of emergency management to issue such an order. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.090(B))

2.64.310 Compensation—Filing claim. Any person claiming compensation for the use, damage, loss or destruction of property occasioned by action taken under this chapter shall file a claim for that compensation with the city office of emergency management in the form and manner required by that office. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.090 (C))

2.64.320 Compensation—Calculation. Unless the amount of compensation resulting from property damage, lost or destroyed, is agreed upon in writing between the claimant and the city office of emergency management, the amount of compensation shall be calculated in the same manner as compensation due for taking of property under the condemnation laws of the state. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.090(D))

2.64.330 Compensation—Death and injury benefits. The city shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of the city or the representative of the deceased member of those forces in the event those members sustain injuries or are killed while rendering aid under this chapter, provided those members are not already covered by a comparable form of insurance or health benefits. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.090(E))

2.64.340 **Liability—Exemption for city and its agents.** This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city nor agents and representatives of said city, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with an order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of said activity. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.100(A))

2.64.350 **Liability—Exemption for grantor to city.** Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice civil emergency or enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or loss of, or damage to, the property of such person. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.100(B))

2.64.360 **Disaster prevention.** In addition to the disaster prevention measures as included in the city disaster plan, the city manager shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and under any other authority and competence they have, city departments, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention, air quality, public works, land use and land use planning and construction standards, shall make studies of disaster-prevention-related matters. The city manager shall from time to time make recommendations to the city council and other appropriate public and private entities as may facilitate measures for the prevention or reduction of the harmful consequences of disasters. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.101)

- 2.64.370** **Limitations.** Nothing in this chapter:
- A. Interferes with or allows interference with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
 - B. Interferes with or allows interference with dissemination of news or comment on public affairs; but any communications facility or organization (including but not limited to, radio, television, wire services and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency, in a manner which encroaches as little as possible upon the normal function of the news media;
 - C. Affects the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any personnel of them when on active duty; but disaster emergency plans shall place reliance upon the civil defense forces available for performance of functions related to disaster emergencies; or

D. Limits, modifies or abridges the authority of the city manager to proclaim martial law, or exercise any other powers vested in him by law independent of, or in conjunction with, any provision of this chapter. (Ord. 535-08 2008; Ord 01-17-85R (part) 1985; prior code §19.05.102)

2.64.380 Civil defense advisory board—Establishment. The city council may establish and appoint members to a civil defense advisory board. This board will provide advice and assistance in the establishment of a viable civil preparedness program within the city. Membership of the board will include the city manager (chairman) or his designated representative, the emergency management coordinator (vice chairman), a member of the city council, the police chief, fire chief, and members selected from the business community and the general public. (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code 519.05.104(A))

2.64.390 Civil defense advisory board—Duty and powers. It is the duty of the civil defense advisory board and it is empowered to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and rules and regulations as are necessary to implement such plans and agreements. The advisory board shall meet upon the call of the chairman or, in his absence from the city or inability to call such a meeting, upon call of the vice chairman (Ord. 535-08 2008; Ord. 01-17-85A (part) 1985; prior code §19.05.104(B))

2.64.400 Violation—Penalty. It shall be a misdemeanor, punishable by a fine not to exceed the sum of five hundred dollars for any person during a proclaimed disaster emergency to willfully:

A. Obstruct, hinder or delay any accredited member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the city, or to prevent, hinder, or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the city office of emergency management or the Alaska Division of Emergency Services. (Ord. 535-08 2008; Ord. 101-88 §2(E), 1988; Ord. 01-17-85A (part) 1985; prior code §19.05.050)

Chapter 2.70

PERSONNEL ADMINISTRATION

Sections:

ARTICLE I. GENERAL PROVISIONS

2.70.005 Purpose

- 2.70.010 Applicability
- 2.70.015 Review and amendment
- 2.70.020 Records maintenance

ARTICLE II. EMPLOYEE CONDUCT

- 2.70.025 Behavior generally
- 2.70.030 Confidentiality
- 2.70.035 Public contact
- 2.70.036 Pets in and around the workplace
- 2.70.040 Public statements
- 2.70.045 Dress code
- 2.70.046 Firearms—Prohibited

ARTICLE III. PERSONNEL BOARD

- 2.70.050 Establishment
- 2.70.055 Membership
- 2.70.060 Duties
- 2.70.065 Appointment
- 2.70.070 Vacancies

ARTICLE IV. ORGANIZATION AND DELEGATION OF AUTHORITY

- 2.70.075 Purpose of article
- 2.70.080 City council—Responsibility and authority
- 2.70.085 City manager—Responsibility and authority
- 2.70.090 Department heads—Responsibility and authority
- 2.70.095 Responsibility of all employees

ARTICLE V. CLASSIFICATION OF POSITIONS

- 2.70.100 Plan—Purpose and effect
- 2.70.105 Plan—Adoption and amendment
- 2.70.110 Plan—Development and administration
- 2.70.115 Allocation of positions
- 2.70.120 Plan—Maintenance
- 2.70.125 Position descriptions
- 2.70.130 New positions
- 2.70.135 Department reorganization
- 2.70.140 Position review
- 2.70.145 Effective date of change
- 2.70.150 Reclassified positions—Status of incumbents
- 2.70.151 Exempt positions

ARTICLE VI. SALARY ADMINISTRATION

- 2.70.155 Pay plan—Contents and objectives**
- 2.70.160 Pay plan—Standards for development**
- 2.70.165 Pay plan and schedule—Development**
- 2.70.170 Pay plan—Administration**
- 2.70.175 Entrance pay rate**
- 2.70.180 Salary increases**
- 2.70.185 Permanent part-time employee compensation**
- 2.70.190 Pay rate adjustments—Transfer**
- 2.70.195 Pay rate adjustments—Promotions**
- 2.70.200 Pay rate adjustments—Reassignments**
- 2.70.205 Pay rate adjustments—Reinstatement of employees who have resigned**
- 2.70.210 Pay rate adjustments—Layoffs**
- 2.70.215 Compensation during temporary assignment**
- 2.70.220 Hours of work**
- 2.70.225 Overtime**
- 2.70.230 Time and one-half overtime**
- 2.70.235 Overtime pay**
- 2.70.240 Call-out time**
- 2.70.245 Public safety department uniform allowance**
- 2.70.250 Higher pay range class reassignment**
- 2.70.255 Lower pay range class reassignment**
- 2.70.260 Position classification and reclassification effective date**
- 2.70.265 Merit and probationary increases**
- 2.70.270 Reassignments and reinstatements—Effective date**
- 2.70.275 Exceptions**

ARTICLE VII. RETIREMENT

- 2.70.280 State retirement system participation**
- 2.70.285 Age sixty-five—Continued employment**

ARTICLE VIII. DISABILITY AND HEALTH INSURANCE

- 2.70.290 Group health insurance**
- 2.70.295 Duty of employee to report accidents**

ARTICLE IX. RECRUITMENT

- 2.70.300 Policy**
- 2.70.305 Method**
- 2.70.310 Job announcements and publicity**
- 2.70.315 Application forms**
- 2.70.700 Rejection of applications**

ARTICLE X. SELECTION

- 2.70.705 Responsibility for selection devices**
- 2.70.330 Confidentiality**
- 2.70.335 Open competition**
- 2.70.340 Promotional selection**
- 2.70.345 Method of rating**
- 2.70.350 Probationary period**
- 2.70.355 Probation—Reassigned employee**
- 2.70.360 Probation—Promoted employee**
- 2.70.365 Probation—Reinstated employee**
- 2.70.370 Temporary appointments**
- 2.70.375 Emergency appointments**

ARTICLE XI. PERFORMANCE EVALUATION

- 2.70.380 Purpose**
- 2.70.385 Evaluation—Probationary period end**
- 2.70.390 Evaluation—Annual**
- 2.70.395 Evaluation—Special**
- 2.70.400 Evaluation—Completion—Department head responsibility**
- 2.70.405 Evaluation—Review—City manager responsibility**
- 2.70.410 Evaluation—Form**
- 2.70.415 Performance report review**
- 2.70.425 Appeal procedure**
- 2.70.430 Disciplinary action—Employee education**
- 2.70.435 Disciplinary action—Procedures**
- 2.70.440 Suspension without pay**
- 2.70.445 Reassignment for disciplinary reasons**
- 2.70.450 Reassignment without prejudice**
- 2.70.455 Administration**

ARTICLE XII. EMPLOYEE DEVELOPMENT

- 2.70.460 Purpose**
- 2.70.465 Program development and administration**
- 2.70.470 Program development—Role of department heads**
- 2.70.475 Reimbursement of training costs upon separation**

ARTICLE XIII. GRIEVANCE PROCEDURE

- 2.70.480 Policy**
- 2.70.485 Grievance—Defined**
- 2.70.490 Discussion of a problem with supervisor**
- 2.70.495 Steps**
- 2.70.500 Employee representation**
- 2.70.505 Disciplinary action—Appeals**

- 2.70.510 Violation
- 2.70.515 Time limits—Generally
- 2.70.520 Time limits—Extension
- 2.70.525 No discrimination
- 2.70.530 City manager responsibility

ARTICLE XIV. LEAVE

- 2.70.535 Entitlement
- 2.70.540 Accrual rate
- 2.70.545 Approval—Administrative procedures
- 2.70.550 Accrual while on paid leave
- 2.70.555 Accrual computation for permanent part-time employees
- 2.70.560 Accrual—Temporary appointment
- 2.70.565 Accrual—Maximum accumulation
- 2.70.566 Reserved
- 2.70.570 Accrual—Credit upon completion of probationary period
- 2.70.575 Regular use
- 2.70.580 Amount to be taken yearly
- 2.70.585 Regular holidays not counted
- 2.70.590 Exceptions
- 2.70.595 Annual—Cash in lieu
- 2.70.600 Terminal leave
- 2.70.605 Reinstated employees' leave
- 2.70.610 Military leave
- 2.70.615 Jury leave
- 2.70.620 Leave without pay
- 2.70.625 Unauthorized leave
- 2.70.627 Emergency leave and donating leave
- 2.70.630 Maternity leave
- 2.70.633 Extended absence due to illness

ARTICLE XV. HOLIDAYS WITH PAY

- 2.70.635 Recognized city holidays
- 2.70.640 Holiday falling on Saturday or Sunday
- 2.70.645 Holiday during annual leave
- 2.70.650 Holiday falling between two days of leave without pay
- 2.70.655 Computation of holiday pay for permanent part-time employees

ARTICLE XVI. SEPARATIONS

- 2.70.660 Resignations
- 2.70.665 Withdrawal of resignations
- 2.70.670 Failure to give adequate notice
- 2.70.675 Layoffs
- 2.70.680 Dismissal for disciplinary reasons

- 2.70.685 Dismissal without prejudice**
- 2.70.690 Dismissal notice or severance pay**

ARTICLE XVII. SPECIAL PROVISIONS

- 2.70.695 Gifts and gratuities**
- 2.70.700 Outside employment**

ARTICLE XVIII. TRAVEL EXPENSES

- 2.70.710 Per diem allowance**
- 2.70.715 Mileage allowance**

ARTICLE XIX. PREVENTION OF SUBSTANCE ABUSE IN THE WORKPLACE

- 2.70.720 Substance Abuse Policy**
- 2.70.723 Substance Abuse Program**

ARTICLE I. GENERAL PROVISIONS

2.70.005 Purpose. It is the purpose of this chapter to establish a system of uniform personnel policies and procedures which will improve the quality of personnel administration, and which will assist in the accomplishment of the following specific objectives:

- A. Uniformity in procedure and an effective regulatory policy respecting personnel matters;
- B. Recruitment, selection, and advancement of employees on the basis of their relative ability, knowledge, and skills;
- C. Equitable and adequate compensation for city employees;
- D. Definite assignments of duty;
- E. Sound training, supervision, and administrative direction;
- F. Recognition for continued good service;
- G. Equal treatment of applicants and employees in selection, promotion, training and all other aspects of personnel administration, without regard to political affiliation, race, national origin, sex, age, or religious creed, and with proper regard for their privacy. (Ord. 537-08 2008; Ord. 23 (part) 1985; prior code §24.10.010)

2.70.010 Applicability. All offices and positions of the city shall be allocated to either the classified service or the exempt service.

- A. The exempt service shall include all elected officials, the city manager, the assistant city manager, the city clerk, the finance officer, the city attorney, the director of public safety, the public safety coordinator, the harbormaster, the public works director, the city assessor, the shop foreman, members of citizens boards and commissions, other employees who enter into employment contracts, individuals and firms covered by contracts and other employees classified as exempt under the Fair Labor Standards Act.

B. The classified service shall include all permanent full time and permanent part time positions, temporary employees, and all other personnel appointed to serve without compensation in the city, which are not placed in the exempt category. Unless specifically designated otherwise, personnel policies apply only to employees of the classified service.

C. The City Council may hire an independent contractor to perform the functions of any position in the exempt service. (Ord. 537-08, 2008)

2.70.015 **Review and amendment.** These personnel policies shall be reviewed annually by the city manager, who shall submit any recommendations for changes to the City Council. (Ord. 537-08, 2008)

2.70.020 **Records maintenance.** Records of the work history of each employee shall be maintained. These records shall include the employee's original application, report of medical examination, reports of the results of investigations and tests, annual reports of performance, reports of the employee's progress and disciplinary actions affecting him or her, and any such other records as may be significant in the employee's service to the city. The city manager shall prescribe such forms and records for departmental use as may be necessary.

ARTICLE II. EMPLOYEE CONDUCT

2.70.025 **Behavior generally.** All employees shall be fair and impartial in their dealings as employees of the city, and shall avoid any actions, which create conflicts of interest or an appearance of conflicts of interest, as well as any actions, which adversely affect or appear to affect their ability to perform their duties as municipal employees. City departments may develop their own standards for employee conduct which may be approved by the City Council by resolution. (Ord. 537-08, 2008)

2.70.030 **Confidentiality.** Each employee shall exercise the utmost discretion in regard to all matters of official business and records, and shall assure that any information received by him or her on a confidential basis is maintained in confidence to the fullest extent allowed by law. (Ord. 537-08, 2008)

2.70.035 **Public contact.** Each employee shall at all times be courteous and respectful when dealing with the public, all city employees and public officials. (Ord. 537-08, 2008; Ord. 23 (part), 1985; prior code §24.11.030)

2.70.036 **Pets in and around the workplace.** Unless otherwise required by law, no employee may bring his or her pet to work and keep it in or around the workplace. No employee may keep an animal tied up to or in a city vehicle or on city property while at work. (Ord. 537-08, 2008; Ord. 55 (part), 1986)

2.70.040 **Public statements.** No employee shall present himself or herself as representing the city on matters of policy without the express permission of the city manager. Further, no employees shall obligate the city to perform services of any kind without first consulting the city manager. (Ord. 23 (part), 1985; prior code §24.11.040)

2.70.045 Dress code. All employees will dress in clothing appropriate to the job they perform. Department directors will determine the appropriateness of dress for employees under their direct supervision. Failure to dress appropriately or continued laxness in dress or appearance will be cause for disciplinary action. (Ord. 537-08, 2008; Ord. 292-93 §2, 1993; Ord. 23 (part), 1985; prior code §24.11.050)

2.70.046 Firearms—Prohibited. With the exception of public safety officers of the Whittier department of public safety, no employee of the city shall while performing his/her duties as a city employee, bear or be armed with a loaded or unloaded firearm nor shall any employee(s) have in his/her possession, within city-owned offices/buildings, any loaded or unloaded firearm unless such weapon(s) are locked and secured in an authorized weapons safe/cabinet. Any employee violation of this provision will be subject to disciplinary action by the city pursuant to the city's personnel ordinances as well as other penalties as set forth in this article. (Ord. 58, 1987)

2.70.048 Duty of Employee to Report Accidents. It shall be the duty of each employee to immediately report to his or her department director any and all accidents which he or she witnesses while on duty, or to which he or she is a party. Failure to do so shall be grounds for termination. (Ord. 537-08, 2008)

ARTICLE III. GRIEVANCE COMMITTEE

2.70.050 Establishment. A seven-member board is established. (Ord. 318-95 §1, 1995; Ord. 286-93 §2, 1993; Ord. 23 (part), 1985; prior code §24.12.010)

2.70.055 Membership. The grievance committee shall be composed of the city council. (Ord. 537-08, 2008; Ord. 318-95 §1, 1995; Ord. 286-93 §3, 1993; Ord. 227-92 §1, 1992)

2.70.060 Duties. The duties of the grievance committee shall be:

- A. To submit proposed personnel regulations to the city council; and
- B. To consider and decide any Step 4 grievances.
- C. All members of the committee shall declare any conflict of interest and refrain from participating in board actions when a conflict exists. (Ord. 537-08, 2008; Ord. 318-95 §3, 1995; Ord. 23 (part) 1985; prior code §24.12.030)

2.70.070 Vacancies. A vacancy occurring on the grievance committee shall be filled by temporary appointment by the mayor. (Ord. 537-08, 2008; Ord. 286-93 §5, 1993; Ord. 23 (part) 1985; prior code §24.12.050)

ARTICLE IV. ORGANIZATION AND DELEGATION OF AUTHORITY

2.70.075 Purpose of article. Proper organization and delegation of authority are essential to effective city government administration and management. The responsibilities and authorities delineated in this article are intended to establish a clear

understanding of the role that each segment of the city government should play. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.15.010)

2.70.080 City council—Responsibility and authority. The city council shall be responsible for performing the following functions of the personnel administration process:

- A. Approval of the city's budget, including requests for personnel management funds;
- B. Approval of personnel policies and procedures developed by the city manager;
- C. Appointment of the city manager; and
- D. Confirmation of mayoral appointments to the grievance committee. (Ord. 537-08, 2008; Ord. 268-93 §8, 1993; Ord. 35 (part), 1986; Ord. 23 (part), 1985; prior code §24.15.020)

2.70.085 City manager—Responsibility and authority. The city manager shall have the responsibility and authority to:

- A. Administer the personnel policies and procedures of the city;
- B. Provide for the establishment and maintenance of records of all employees in the city service, including class title, pay and other pertinent data;
- C. Foster and develop, in coordination with appointing authorities and others, programs for the improvement of employee effectiveness and productivity, including training, and safety;
- D. Administer the city's recruitment and selection program;
- E. Insure uniformity in the application of discipline and processing of employee grievances;
- F. Prepare and adopt such forms, reports and procedures as may be necessary to administer the city's personnel program;
- G. Appoint and dismiss all city exempt employees unless otherwise provided by contract or ordinance.
- H. Oversee the handling of all employee grievances to insure that they are processed in accordance with the procedures stated in this Chapter. (Ord. 537-08, 2008; Ord. 268-93 §9, 1993; Ord. 23 (part) 1985; prior code §24.15.030)

2.70.090 Department Directors—Responsibility and authority.

Department directors shall have the responsibility and authority to:

- A. Provide for the implementation of, enforce, and keep the employees in their departments informed of personnel policies and rules;
- B. Evaluate employee performance;
- C. Participate in the grievance procedures as specified in Article XIII and keep the city manager informed of all grievances in progress;
- D. Appoint employees to vacant positions within their respective departments in accordance with established personnel rules and procedures;
- E. Develop training programs for employees in their respective departments;
- F. Take corrective action within their respective departments as deemed appropriate;

G. Conduct orientation for all new employees, including introduction to fellow workers, work standards, safety regulations, break periods, supplies, etc.; and

H. Appoint and dismiss all employees under their jurisdiction, subject to the approval of the city manager. (Ord. 537-08, 2008; Ord. 23 (part), 1985; prior code §24.15.040)

2.70.095 Responsibility of all employees. Employees of the city shall be presented with a copy of the personnel rules adopted hereunder on their hiring date, and shall be responsible for:

A. Reading these rules and asking their department director to explain them if questions arise;

B. Understanding the function of the department to which they are assigned and how that function relates to the total mission of the city and all of its departments;

C. Discussing with their department director any questions relating to the interpretation or application of these rules, either informally or formally through the grievance procedure;

D. Every employee shall read and sign the Drug Free Workplace Policy. (Ord. 537-08, 2008; Ord. 169-90 §1, 1990; Ord. 23 (part), 1985; prior code §24.15.050)

ARTICLE V. CLASSIFICATION OF POSITIONS

2.70.100 Plan—Purpose and effect. The classification plan shall group together those positions that are sufficiently similar in kind, responsibility, and difficulty of work to warrant application of the same pay rate or range of rates and the same general selection standards. Such groupings shall be based upon the current duties and responsibilities of positions in the city. The classification plan shall consist of a list of titles and description of the nature and requirements of work in each classification. (Ord. 23 (part), 1985; prior code §24.20.010)

2.70.105 Plan—Adoption and amendment. The classification plan, and revisions therein which create new or abolish existing classifications, shall be proposed by the city manager and become effective upon approval by resolution of the city council. Other modifications to the classification plan shall become effective upon approval by the city manager. (Ord. 23 (part) 1985; prior code §24.20.020)

2.70.110 Plan—Development and administration. The city manager shall have the responsibility for the overall administration of the classification plan. In developing the classification plan, he or she shall consult department directors, key staff members, employees and other technical resources as appropriate. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.20.030)

2.70.115 Allocation of positions. The city manager shall assign positions to the appropriate classes in the classification plan, and reassign positions when changes in responsibilities justify reassignment. (Ord. 23 (part) 1985; prior-code §24.20.040)

2.70.125 Position descriptions. Position descriptions shall be supplied and kept current by each city department for each position under the department's

jurisdiction, subject to the approval of the city manager. (Ord. 23 (part) 1985; prior code §24.20.060)

2.70.130 New positions. When a new position is proposed or established, the department in which it is created shall provide a written job description to the city manager, who shall determine the proper classification or prepare a new classification description if an appropriate classification does not exist. (Ord. 23 (part) 1985; prior code §24.20.070)

2.70.145 Effective date of change. Classification actions shall become effective on the first day of the pay period following determination by the city manager. (Ord. 23 (part) 1985; prior code §24.20.100)

2.70.150 Reclassified positions—Status of incumbents. In all cases of reclassification, the employee in the position under consideration shall be entitled to examine and compete for the reclassified position. If ineligible for appointment to the reclassified position, the employee shall be transferred or reassigned by appropriate action in accordance with the provisions of these rules. (Ord. 23 (part) 1986; prior code §24.20.110)

2.70.151 Exempt positions. As authorized by Alaska Statute, Title 29, Chapter 20, Section 410, Personnel System, subsection (b), there is created a classification for managerial positions, which are wholly or partially exempt from the classified service. A wholly or partially exempt position is filled by a person who serves at the pleasure of the appointing authority and whose terms and conditions of employment are determined by the appointing authority. Unless otherwise provided by contract or city ordinance the appointing authority shall be the city manager. (Ord. 537-08, 2008; Ord. 268-93 §10, 1 993; Ord. 55 (part) 1987)

ARTICLE VI. SALARY ADMINISTRATION

2.70.155 Pay plan—Contents and objectives. The pay plan shall include a schedule of pay ranges, consisting of minimum, intermediate and maximum rates of pay for all classes of positions in the classified service. The objective of the pay plan shall be:

- A. To provide a salary structure appropriate to the recruitment and retention of competent employees; and
 - B. To provide appropriate pay incentive for high employee productivity.
- (Ord. 23 (part) 1985; prior code §24.25.010)

2.70.160 Pay plan—Standards for development. The development of the pay plan shall be directly linked to the classification plan, and shall be based on the principal of equal pay for equal work. Pay ranges within the pay plan shall be determined with due regard to such factors as:

- A. Relationship between classes;
- B. Relative difficulty and responsibility of work;
- C. Availability of applicants;

D. Prevailing rates of pay in both public service and private industry in the appropriate recruiting market; and

E. Cost-of-living factors. (Ord. 23 (part) 1985; prior code §24.25.020)

2.70.170 Pay plan—Administration. The city manager shall be responsible for administering the pay plan and keeping it current through periodic reviews and comparative studies of pertinent factors affecting levels of pay in accordance with the standards described in Section 2.70.160 of this code, and in consultation with the city council.. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.25.040)

2.70.175 Entrance pay rate. The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the class. A department director, subject to the approval of the city manager, may make an appointment above the entrance pay rate only when there are no available candidates at the entrance rate, or in recognition of exceptional qualifications. In no instance shall an appointment be made above the minimum step when qualified applicants are available at the minimum entrance rate. Appointments may be made at a rate below the minimum for the class on a trainee basis. (Ord. 23 (part) 1985; prior code §24.25.050)

2.70.180 Salary increases. Except as otherwise provided by this chapter:

A. Merit salary increases may be granted by the city manager, upon recommendation of the department director.

B. Cost-of-living salary increases may be granted by the city council upon the recommendation of the city manager. In the event a cost-of-living salary increase is granted, it shall be at the same percentage rate and shall be effective on the same date for all city employees without regard to department. (Ord. 537-08, 2008; Ord. 193-91 §1, 1991; Ord. 74-88 §2, 1987; Ord. 68 §2, 1987; Ord. 23 (part) 1985; prior code §24.25.060)

2.70.185 Permanent part-time employee compensation. Permanent part-time employees shall be compensated on an hourly basis at a rate equivalent to the hourly wage rate exclusive of benefits established for regular full-time employment in the appropriate classification. (Ord. 537-08, 2008; Ord. 74-88 §3, 1987; Ord. 23 (part) 1985; prior code §24.25.080)

2.70.190 Pay rate adjustments—Transfer. When an employee is transferred from one class to another with a common pay range, he shall continue to receive the same rate of pay. (Ord. 23 (part) 1985; prior code §24.25.090)

2.70.195 Pay rate adjustments—Promotions. When an employee is promoted from one class to another having a higher pay range, the employee shall receive an increase of not less than one pay step. If the employee's current rate of pay is below the minimum rate of the higher class, the pay shall be increased to the minimum rate of the higher class. If the employee's current rate of pay falls within the range of the higher class, the pay shall be adjusted to the next higher pay step in the range for the higher class which is at least equal to one step increase above his current pay rate. (Ord. 23 (part) 1985; prior code §24.25.095)

2.70.200 Pay rate adjustments—Reassignments. When an employee is reassigned for cause, or for administrative purposes, his/her pay rate shall be adjusted to fit the job according to the principles of classification and equal pay for equal work. (Ord. 23 (part) 1985; prior code §24.25.100)

2.70.205 Pay rate adjustments—Reinstatement of employees who have resigned. No preferential pay treatment shall be given to reinstated employees. The principles of job classification and equal pay for equal work, which include work experience, shall apply as if to a new employee.

An employee who has resigned due to special reasons such as, but not limited to, family illness or educational leave shall have reinstatement rights according to applicable law. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.25.110)

2.70.210 Pay rate adjustments—Layoffs. When an employee, following layoff, is re-employed in the same class from which he or she was laid off, he or she shall be placed in the same step occupied at the time of layoff. When the employee is re-employed in a class having a lower pay range, his/her rate of pay shall be assigned according to standard principles of job classification and equal pay for equal work. (Ord. 23 (part) 1985; prior code §24.25.120)

2.70.215 Compensation during temporary assignment. When an employee is temporarily assigned to a position in a higher pay range for a period of thirty calendar days or more, he or she shall be paid at the first step of the higher pay range or he shall be granted a one-step pay increase, whichever is higher, for the full period worked in the temporary assignment. An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay. No temporary assignment shall exceed six months. (Ord. 23 (part) 1985; prior code §24.25.130)

2.70.220 Hours of work. Regular working hours of city employees shall consist of a five-day week, eight hours a day, forty hours per week. The standard work week shall consist of the period from midnight Sunday to the following midnight Sunday. The standard workday shall consist of the period from midnight to midnight. Unless otherwise provided, the hours of regular employment for city employees shall be from eight p.m. to five p.m. with an hour for lunch.

Different schedules to meet department operating needs shall be established and altered by department directors, with approval of the city manager. Department directors may temporarily shift the working hours of the employees in their respective departments in order to meet routine needs. (Ord. 537-08, 2008; Ord. 23 (part), 1985; prior code §24.25.140)

2.70.225 Overtime. Overtime payment will be received by all employees except for department directors who are not eligible for overtime payment in any circumstances. Overtime must be approved in writing by the department director concerned prior to its performance, except in cases of emergency which preclude such prior arrangements, and shall be paid to employees who are eligible for overtime payment under this Section in accordance with methods established by state laws. The person in

charge of providing emergency service shall see that overtime hours related to the service are properly recorded. The department director shall review the record and certify to the finance officer any overtime approved for payment as soon as possible after the performance of the emergency service necessitating the overtime. (Ord. 537-08 2008; Ord. 333-96 §2 (part), 1996; Ord. 23(part) 1985; prior code §24.25.150)

2.70.230 Time and one-half overtime. Overtime hours paid at the rate of one and one-half the regular rate shall be calculated and paid to employees who are eligible for overtime payment under Section 2.70.225 under methods established by the Alaska Wage and Hour Act.

Employees who are eligible for overtime payment under Section 2.70.225 who are requested to work on a Saturday or on an evening which does not fall within their standard work week shall be paid at time and one-half for those hours, regardless of whether they have worked less than forty hours in the week. (Ord. 333-96 §2 (part) 1996; Ord. 23 (part) 1985; prior code §24.25.160)

2.70.235 Overtime pay. An employee legally entitled to overtime pay under applicable federal or state law shall be paid at the rate of time and one-half of his/her rate of pay for all hours worked over forty per week and/or eight hours per day or on a recognized city holiday in addition to holiday pay. (Ord. 537-08, 2008; Ord. 333-96 §2 (part) 1996; Ord. 169-90 §2, 1990; Ord. 23 (part) 1985; prior code §24.25.170)

2.70.240 Call-out time. If an employee is eligible to receive overtime payment under Section 2.70.225 and is called to work outside his or her regular work shift, he or she shall receive a minimum payment of two hours of the applicable overtime rate. (Ord. 333-96 §2 (part) 1996; Ord. 23 (part) 1985; prior code §24.25.175)

2.70.245 Public safety department uniform allowance. The city shall provide employees in the department of public safety who are required to be in uniform in the course of their duties for the city an amount up to or not to exceed three hundred dollars for initial hire. Commencing the first full month after completion of the probationary period provided by Section 2.70.350 of this code, such employees shall receive a monthly clothing allowance of forty dollars in addition to the employee's regular pay. In the event of separation before the probationary period is completed, the employee would owe the balance remaining on the expense of all initial issue items, and upon satisfaction of the balance due, the city would have no further property interest therein. All issue of department equipment, department insignia, and any other department property not forming a part of the initial issue herein provided, shall be returned to the city upon the termination of employment. (Ord. 169-90 §3, 1990; Ord. 144-89 §2, 1989)

2.70.250 Higher pay range class reassignment. If a class is reassigned to a higher pay range, the base rate of all employees in affected positions shall be increased by five percent for each pay range advanced, not to exceed the maximum of the new range. (Ord. 23 (part) 1985; prior code §24.25.190)

2.70.255 Lower pay range class reassignment. If a class is reassigned to a lower pay range, the base salaries of employees in affected positions shall not be reduced. Employees whose base rates exceed the maximum rate of the new pay range will remain unchanged until the base rates are encompassed within the pay range. (Ord. 23 (part) 1985; prior code §24.25.200)

2.70.260 Position classification and reclassification effective date. The effective date of personnel transactions implementing classification and reclassification of positions shall be the beginning date of the pay period following the date of the change. (Ord. 23 (part) 1985; prior code §24.25.210)

2.70.265 Merit and probationary increases.

A. Merit salary increases shall be effective the day following approval by the city manager.

B. Probationary salary increases shall be effective the earlier of the day following completion of three months service as a new-hire probationary employee or promotional probationary employee or the day following satisfactory completion of probation. A probationary salary increase shall be one step in the same grade. (Ord. 537-08, 2008; Ord. 193-91 §2, 1991; Ord. 23 (part) 1985; prior code §24.25.220)

2.70.270 Reassignments and reinstatements—Effective date. The effective date of personnel actions implementing approved promotions, reassignments and reinstatements shall be the first day of the new approved status. (Ord. 23 (part) 1985; prior code §24.25.230)

ARTICLE VII. RETIREMENT

2.70.280 State retirement system participation. The city became a participant of the State of Alaska Public Employees Retirement System effective July 1, 1984. Coverage is mandatory for all full-time permanent employees and probationary employees in full-time positions as well as permanent part-time employees. (Ord. 23 (part) 1985; prior code §24.30.010)

2.70.285 Age sixty-five—Continued employment. An employee who attains the age of sixty-five may be retained in the city service upon written certification of his department director or the personnel officer that such action is in the best interest of the city and deferral of the retirement is authorized by the city council. The city manager may require the employee to submit a satisfactory report of medical examination by a physician approved or designated by the city manager, which shows the employee to be physically and mentally able to perform the duties of his position. An initial deferral of retirement shall be for a period of one year, and subject to renewal in the above manner. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.30.020)

ARTICLE VIII. DISABILITY AND HEALTH INSURANCE

2.70.290 Group health insurance. The city provides health and life insurance to each of its permanent full-time and part-time employees under the State of

Alaska Group Health Care and Life Insurance Plan. The employee may insure their immediate family under the plan for an additional premium payable by the employee. (Ord. 23 (part) 1985; prior code §24.35.010)

ARTICLE IX. RECRUITMENT

2.70.300 Policy. It shall be the policy of the city to recruit and select the most qualified persons for positions in the city service, and to fill vacancies by promotion from within the city when well-qualified employees are available. To ensure that this policy is carried out, it shall be the responsibility of the city manager to:

- A. Conduct recruitment and selection in an affirmative manner to insure open competition;
- B. Provide equal employment opportunity. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.40.010)

2.70.305 Method. The city manager shall develop and conduct an active recruitment program designed to meet current and projected manpower needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to all sources likely to yield qualified candidates. (Ord. 23 (part) 1985; prior code §24.40.020)

2.70.310 Job announcements and publicity.

A. In order to attract an adequate number of candidates for present or anticipated vacancies and to permit successful competition with other employers, the city manager shall issue job announcements and otherwise publicize vacancies through such media which shall include, but not be limited to, newspapers within the state. Job announcements shall be clear and readable. They shall include the job title, salary range, job qualification requirements.

B. Publicity for job vacancies shall be conducted for a sufficient period of time to insure reasonable opportunity for persons to apply and be considered for employment. All job vacancies shall be publicized first to all city employees at least five working days prior to public advertisement. If any city employee applies for an advertised position whether it is a contract or non-contract position, council or the department director shall consider the applicant and if the person qualifies for the position, the position shall be filled in-house and not advertised publicly. The city manager may also initiate continuous recruitment programs for any class of positions as appropriate. (Ord. 537-08, 2008; Ord. 169-90 §4, 1990; Ord. 23 (part) 1985; prior code §24.40.030)

2.70.315 Application forms. All applications for employment shall be made on forms prescribed by the city manager. Such forms shall require background information including training, experience and other pertinent data. All applications must be signed. Application forms shall not elicit any information concerning race, politics, religion or national origin.

A resume may be accepted in place of an application when requested in recruitment advertising or if, in the opinion of the city manager, the information provided

on the resume is sufficient. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.40.040)

2.70.700 Rejection of applications. The city manager may reject any application, which indicates that the applicant does not possess the minimum qualifications established for the position. An application may also be rejected if the applicant:

- A. Has deliberately falsified any information on the application form;
- B. Is unable to meet the physical and other requirements, which have been demonstrated as necessary to perform the work of the position;
- C. Is unable to meet the mental requirements necessary to perform the work;
- D. Does not meet the legal age limits or other requirements established by state law;
- E. Has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for the position.

Whenever an application is rejected, notice of such rejection shall be promptly made to the applicant. (Ord. 23 (part) 1985; prior code §24.40.050)

ARTICLE X. SELECTION

2.70.325 Responsibility for selection devices. The city manager, in conjunction with the department directors, shall be responsible for determining the selection device or devices to be used to obtain the best qualified candidates for each class of positions. Selection devices shall be utilized separately or in various combinations as appropriate to the class and available manpower resources. Such selection devices may include work samples, performance tests, practical written tests, individual physical examinations, background and reference inquiries, and evaluation of training and experience. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.45.010)

2.70.330 Confidentiality. Only the city manager and department director shall know selection material. All persons participating in the development and maintenance of selection materials shall exercise every precaution to maintain the highest level of integrity and confidentiality. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.45.020)

2.70.350 Probationary period. All are subject to a probationary period of three months with the exception of appointments to the Department of Public Safety to which a twelve-month probationary period shall apply. A probationary period shall apply to all positions prior to the acquisition of permanent status. Probationary employees must obtain at least a satisfactory performance rating at the completion of their probationary period in order to obtain permanent status. Employees in probationary status may be terminated at any time during their probationary period for any reason or for no reason with no recourse to the grievance procedure. (Ord. 537-08, 2008; Ord. 356-97 § 2, (part) 1997; Ord. 55 (part) 1986; Ord. 23 (part) 1985; prior code §24.45.060)

2.70.355 Probation—Reassigned employee. When an employee is reassigned to a position in a class where he previously held permanent status, no

probationary period shall be served. When an employee is reassigned to a position where he did not hold permanent status, the department director shall decide whether a probationary period shall be served, subject to the approval of the city manager. The employee concerned shall be notified in writing of the decision before reassignment is accomplished and, in either case, the employee's anniversary date shall remain unaffected. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.45.070)

2.70.360 Probation—Promoted employee. When it becomes clear that an employee serving a promotional probationary period is not performing adequately, he shall be so informed in writing with a copy to the city manager.

If reassignment is found to be necessary, the employee shall be reassigned to a position in his previous class and his anniversary date shall remain unaffected. (Ord. 23 (part) 1985; prior code §24.45.080)

2.70.365 Probation—Reinstated employee. An employee reinstated within two years of termination shall not be required to serve a probationary period unless rehired into a different class than previously served or if a previous probationary period was not completed. (Ord. 23 (part) 1985; prior code §24.45.090)

2.70.370 Temporary appointments. Temporary appointments are for a short-term period not to exceed thirty days, however, extensions in thirty-day increments may be allowed with the approval of the city manager, up to a maximum of six months. Probationary periods shall not be served for temporary appointments, and no probationary increases shall be awarded. A person hired for a temporary appointment or hired temporarily to replace an absent employee shall not be entitled to any fringe benefits. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.45.100)

2.70.375 Emergency appointments. Emergency appointments not to exceed thirty calendar days may be authorized by the city manager without recourse to usual certification procedures. Such appointments shall be made only in cases of unforeseen emergencies and when necessary to prevent impairment to city services. Emergency appointments are not entitled to any fringe benefits. (Ord. 23 (part) 1985; prior code §24.45.110)

ARTICLE XI. PERFORMANCE EVALUATION

2.70.380 Purpose. The primary purpose of the employee performance evaluation program is to inform employees of how well they are performing and to offer constructive criticism on how they can improve their work performance. Performance evaluation shall also be considered in decisions affecting salary advancement, promotions, reassignments, dismissals, order of layoff, order of reemployment, placement and training needs. (Ord. 23 (part) 1985; prior code §24.50.010)

2.70.385 Evaluation—Probationary period end. Each employee shall be evaluated ten days prior to the completion of his or her probationary period. The employee must have an overall evaluation of at least "satisfactory" in order to become permanent. (Ord. 23 (part) 1985; prior code §24.50.020)

2.70.390 Evaluation—Annual. Each employee shall receive an annual performance evaluation one month prior to his or her anniversary date.(Ord. 74-88 §4, 1987; Ord. 23 (part) 1985: prior code §24.50.030)

2.70.395 Evaluation—Special. A special performance evaluation shall be completed whenever:

A. There is a significant change either upward or downward in an employee's performance;

B. A department director permanently leaves his or her position. The department director shall complete a performance report on each employee under his supervision who has not been evaluated within six months prior to the date the department director is to leave his or her position. (Ord. 23 (part) 1985; prior code §24.50.040)

2.70.400 Evaluation—Completion—Department director responsibility. The department head shall be responsible for completing a performance evaluation at the time prescribed for each employee under his supervision. (Ord. 23 (part) 1985; prior code §24.50.050)

2.70.405 Evaluation—Review—City manager responsibility. The city manager shall review each performance evaluation report completed by a department director before the report is discussed with the employee. The city manager shall consider the performance evaluations completed by the department director when evaluating the department head's performance. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.50.060)

2.70.410 Evaluation—Form. The performance evaluation form shall be a letter from the department director which states that the employee's performance has been discussed with the employee. This letter will be signed by the department director and the employee, and be accepted as evidence of satisfactory performance.

The only deviation from this procedure will be in the case of outstanding or unsatisfactory performance. Performance of this nature will be explained in full. In the case of unsatisfactory performance, the rating officer will also make written comment as to remedial action and the employee will be allowed to add comments. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.50.070)

2.70.415 Performance report review. The department director shall discuss the performance evaluation report with the employee before the report is made part of the employee's permanent record. Performance evaluation reports are not subject to the grievance procedure. (Ord. 537-08, 2008; Ord. 74-88 §5, 1987; Ord. 23 (part) 1985; prior code §24.50.080)

2.70.425 Appeal procedure. See Section 2.70.495, Steps, of Article XIII, Grievance Procedure. (Ord. 23 (part) 1985; prior code §24.50.100)

2.70.430 **Disciplinary action—Employee education.** All department directors shall inform the employees under their jurisdiction of standards of performance and personal conduct of city employees in various positions. Employees shall be acquainted with the various provisions of disciplinary action regulations. All city employees shall have in their possession a copy of an up-to-date personnel regulations manual. Copies of the manual shall always be available in the city manager's office. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.50.110)

2.70.435 **Disciplinary action—Procedures.** All disciplinary actions, except oral admonitions, shall be documented in writing, presented to the affected employee, and placed in the employee's personnel file. The written document shall be reviewed with the employee, and sincere efforts shall be made to obtain agreement with the employee that facts are stated correctly, that the inappropriate or incorrect behavior did occur, that it did represent behavior that should be disciplined, that the discipline is appropriate and that the behavior will not be repeated. If errors are found, the written document shall be revised and reviewed again. Comments by the employee shall be entered under the directoring "Employee Comments." The employee shall be requested to sign the written document, and informed that his or her signature indicates only his or her agreement that the document accurately records the discussion. If the employee refuses to sign the memo, the statement shall be entered:

(Employee's Name) read the contents of this disciplinary action on (date) and refused to sign.

One copy of each completed report shall be forwarded immediately to the city manager's office for review and inclusion in the employee's personnel file. A copy shall be given to the employee. The department director may, if necessary, complete reviews to the employee's progress in correcting the cause of the original action at scheduled intervals throughout the following twelve months. These reports shall be made in writing. Twelve months from the date of the action concerned, the city manager shall review the disciplinary action, and, if no subsequent report of similar violations has been made, the department director shall be instructed to return department and division copies to the affected employee. The original shall be sealed in a confidential envelope and replaced in the employee's personnel file. The envelope shall not be referred to again unless there is a later occurrence requiring further discipline. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.50.120)

2.70.440 **Suspension without pay.** A department director may at any time suspend an employee for cause for a period not to exceed thirty calendar days in any calendar year. Employees against whom charges are professed may, at the discretion of the department director, be suspended from duty pending final disposition of charges. A suspension shall be recorded in writing, and a personnel evaluation report completed for any suspended employee. Both documents shall be reviewed with the employee immediately after preparation if possible. Following this action, a copy shall be given to the employee and a copy forwarded immediately to the city manager. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.50.130)

2.70.445 **Reassignment for disciplinary reasons.** An appointing authority may reassign an employee for disciplinary reasons in accordance with other provisions of these regulations. Reassignment is considered a more moderate penalty than dismissal and may be offered in lieu thereof, as approved by the city manager, when mitigating circumstances warrant such leniency. (Ord. 23 (part) 1985; prior code §24.50.140)

2.70.450 **Reassignment without prejudice.** Reassignment without prejudice shall not be considered a punitive action. An appointing authority may reassign an employee in accordance with other provisions of these regulations for any of the following reasons:

- A. Inability to perform duties adequately;
- B. Layoff because of lack of work or funds or abolition of positions. When employees are laid off, the appointing authority shall consider the advisability of reassigning them to vacant positions in lower classifications for which they are qualified;
- C. Personal Reasons. There are a variety of reasons why an employee might wish to work in a position on a lower level class, such as personality conflicts and being placed in a new class series where new experience and greater likelihood of advancement are available. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.50.150)

2.70.455 **Administration.** The city manager shall be responsible for overall administration of the employee performance evaluation program. He or she shall advise and assist employees to assure that performance evaluation procedures are handled in accordance with the provisions stated in this article. (Ord. 23 (part) 1985; prior code §24.50.160)

ARTICLE XII. EMPLOYEE DEVELOPMENT

2.70.460 **Purpose.** The purpose of the employee development program is to foster and promote the training and development of employees in order to:

- A. Improve the quality of services to the city;
- B. Equip employees for career advancement within the city service; and
- C. Provide a reservoir of occupational skills necessary to meet current and future employment needs. (Ord. 23 (part) 1985; prior code §24.55.010)

2.70.465 **Program development and administration.** The city manager shall have the overall responsibility for the development, administration and coordination of the employee development program and shall:

- A. Assist the department directors in developing and implementing employee development programs to meet the current and future needs of their departments and to increase employee efficiency;
- B. Conduct or coordinate employee development programs to meet the common needs of all departments;
- C. Maintain a file of current information and materials on job requirements, training opportunities, employee development manuals and other employee development literature;
- D. Maintain a record of all training conducted and insure that authorized employee development programs are properly administered;

- E. Periodically analyze and evaluate the overall development needs of employees within the city service;
- F. Assure that all employees receive equal consideration for appropriate training opportunities; and
- G. Assure that employee personnel files are updated upon successful completion of any employee development activities to insure maximum consideration for placements, transfers and promotions. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.55.020)

2.70.470 Program development—Role of department directors.

Department directors shall provide active leadership in developing the employees under their supervision. In this capacity, they shall:

- A. Cooperate closely with the city manager in determining the current and future employee development needs in their departments;
- B. Participate with the city manager in developing and implementing employee development programs;
- C. Budget sufficient funds to secure needed career development programs;
- D. Evaluate the effectiveness of completed career development programs and make recommendations for improvement where appropriate;
- E. Assure that employees are provided with sufficient time to participate in career development programs. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.55.030)

2.70.475 Reimbursement of training costs upon separation.

- A. When an employee attends a school, training session or other similar program of mutual benefit to the employee and the city, the employee shall agree to:
 - 1. Remain in city service one month for every day (including Saturdays and Sundays) that he is attending the school and for which the city is paying his salary, travel costs and per diem; and
 - 2. Remain in city service two weeks for every day (including Saturdays and Sundays) that he is attending the school and for which the city is paying either his salary, or travel costs and per diem costs.
- B. There shall be a two-year maximum to the length of time that an employee must remain in service.
- C. Should the employee leave the service of the municipality prior to the completion of computed service time, he or she shall reimburse the city for costs incurred in proportion to length of time remaining to be served.
- D. If an employee is involuntarily separated from the service of the city before completion of computed service time, the remaining time to be served will be canceled. (Ord. 23 (part) 1985; prior code §24.55.040)

ARTICLE XIII. GRIEVANCE PROCEDURE

2.70.480 Policy. It is the policy of the city to treat all employees equitably and fairly in matters affecting their employment. Each employee of the city will be provided ample opportunity to understand and resolve matters affecting employment, which the employee documents as being a violation of rules and regulations. The

presentation of any grievance shall be the right of each employee without fear of reprisal. (Ord. 23 (part) 1985; prior code §24.60.010)

2.70.485 **Grievance—Defined.** A “grievance” is a written complaint by an employee or group of employees alleging a violation of a section or sections of the city code, personnel rules and regulations, or departmental rules and regulations, which pertain to the terms or conditions of employment by the city and which are within the scope of the grievance procedure established by this Chapter. Employee performance evaluations are not grievable. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.60.020)

2.70.490 **Discussion of a problem with supervisor.** Any employee having a problem regarding employment shall first discuss the problem with his or her immediate supervisor. If the problem is not settled and the problem is defined as a grievance, the employee has the right to present the grievance in accordance with the procedure outlined in Section 2.70.495. (Ord. 23 (part) 1985; prior code §24.60.030)

- 2.70.495** **Steps.** A grievance shall be handled in the following manner:
- A. Step 1. The aggrieved employee or group of employees shall present the grievance orally to the immediate supervisor within five working days of the occurrence of the event leading to the grievance, not including the day of the occurrence. The supervisor shall give an oral reply within three working days of the date of presentation of the grievance, not including the date of presentation.
 - B. Step 2. If the grievance is not settled in Step 1, it shall be reduced to writing, dated, and signed by the aggrieved employee or group of employees and presented to the department director within five working days after the supervisor's oral reply is given. The department director shall reply in writing to the grievance within five working days of the date of presentation of the written grievance, not including the day of the presentation.
 - C. Step 3. If the grievance is not settled in Step 2, the written grievance shall be presented, along with all pertinent correspondence, records and information accumulated to date, to the city manager. This presentation must be made within five working days after the department director's response is made, not including the day of the response. The department director shall receive a copy of the grievance. The city manager may meet with the aggrieved employee or group of employees, the immediate supervisor and the department director. The city manager shall reply to the grievance in writing within five working days of the date of presentation of the written grievance to him or her, not including the day of presentation.
 - D. Step 4. If not satisfied with the city manager's decision, an employee may request a hearing before the grievance committee.
 - 1. The committees shall conduct the hearing expeditiously and in a manner conducive to obtaining a clear understanding of the facts. The procedure shall be informal. Technical rules regarding evidence and witnesses shall not apply.
 - 2. The grievance committee shall submit a written report of its findings and determinations to all interested parties within ten working days after hearing testimony.

3. The decision of the grievance committee is the final step within the administrative process of the city.

E. Grievances related to an act or failure to act of a department head shall be initiated at Step 2.

F. Grievances related to an act or failure to act of the city manager shall be initiated at Step 3. (Ord. 537-08, 2008; Ord. 227-92 §3, 1992; Ord. 23 (part), 1985; prior code §24.60.040)

2.70.500 Employee representation. Each employee shall be afforded an opportunity to be represented at each of the above steps. At Steps 1 and/or 2 of the grievance procedure, a representative of his choice who shall be any other full-time employee of the city may accompany the employee. At Steps 3 and/or 4 of the grievance procedure, a representative of his or her choice may accompany the employee. Employees shall contact and discuss their problems with their representative only during break periods, lunch hour, before or after work or at any other time when they are not on duty. Grievance hearings may be held during work hours. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.60.050)

2.70.505 Disciplinary action—Appeals. All appeals of disciplinary action shall be initiated at Step 3 of the grievance procedure. (Ord. 23 (part) 1985; prior code §24.60.060)

2.70.510 Violation. An employee who takes an employment problem outside the administrative structure of the city without first attempting to resolve the problem in accordance with the provisions of this article shall be subject to disciplinary action. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.60.070)

2.70.515 Time limits—Generally.

A. If grievance procedures are not initiated within the time limits established by this section, the employee shall be considered as having waived his or her right to grieve the particular violation and initiation of a grievance for the same act or omission is thereafter barred.

B. Any grievance not taken to the next step of the grievance procedure by the grievant within the time limits established by this section shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.

C. If the city fails to meet or answer any grievance within the time limits prescribed for such action by this section, such grievance shall automatically advance to the next step. If the city fails to meet or answer any grievance on Step 4 of the grievance procedure within the time limits prescribed for such action by this section, the grievant may consider the city's last action on the grievance the city's final step within the administrative process of the city. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.60.080)

2.70.520 Time limits—Extension. The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties so involved. Likewise, any step in the grievance

procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties. (Ord. 23 (part) 1985; prior code §24.60.090)

2.70.525 **No discrimination.** No employee shall be disciplined or discriminated against in any way because of the employee's proper use of grievance procedures. (Ord. 23 (part) 1985; prior code §24.60.100)

ARTICLE XIV. LEAVE

2.70.535 **Entitlement.** All classified employees shall be entitled to leave accrual benefits. (Ord. 23 (part) 1985; prior code §24.65.010)

2.70.540 **Accrual rate.** Leave shall accrue at the rate of:

0-2 years	12 hours per month
2-5 years	14 hours per month
5-10 years	16 hours per month
10 or more years	18 hours per month

Sick leave shall be included in the benefit package at the rate of four hours per month. (Ord. 292-93 §3, 1993; Ord. 23 (part) 1985; prior code §24.65.020)

2.70.545 **Approval-Administrative procedures.** Department directors shall submit all leave requests to the Administration Department prior to granting leave to employees in their departments so that a determination can be made that the requested amount of leave has in fact been accrued. The Administration Department shall complete the leave balance portion of the leave slip, initial the leave slip and return it to the department director. If the employee does not have sufficient leave accrued, the city manager and the department head will be so advised. The city manager is the only person with authority to grant leave without pay. (Ord. 537-08, 2008; Ord. 527-07 2007; Ord. 23 (part) 1985; prior code §24.65.030)

2.70.550 **Accrual while on paid leave.** Leave shall continue to accrue during the period of time that an employee is on paid leave. Leave does not accrue during periods of leave without pay nor during a period of terminal leave. (Ord. 23 (part) 1985; prior code §24.65.040)

2.70.555 **Accrual computation for permanent part-time employees.** Permanent part-time employees shall accrue leave at the same rate as regular full-time employees, except that leave shall be accrued based on the proportion of actual hours worked to the number of normal duty hours in a month for a full-time employee. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.65.050)

2.70.560 **Accrual-Temporary appointment.** Temporary employees shall not accrue leave. (Ord. 23 (part) 1985; prior code §24.65.060)

2.70.565 **Accrual-Maximum accumulation.** The maximum number of hours of leave that may be carried over after December 31 of each year is two hundred and forty (240) hours. (Ord. 537-08, 2008; Ord. 527-07 2007; Ord. 292-93 §4, 1993;

Ord. 250-92 §2, 1992; Ord. 209-92 §1, 1991; Ord. 169-90 §5, 1990; Ord. 23 (part) 1985; prior code §24.65.070)

2.70.566 Reserved.*

2.70.570 Accrual-Credit upon completion of probationary period.

Employees who are entitled to accrue leave upon satisfactory completion of probationary period shall receive credit for leave accrued since the date of appointment. Leave shall be due and usable upon completion of probationary period with the exception of police officer's leave, which shall be due and usable following 90 days of employment. (Ord. 537-08, 2008; Ord. 360-97 §2, 1997; Ord. 23 (part) 1985; prior code §24.65.080)

2.70.575 Regular use. The employee shall be allowed to use any amount of accrued leave at the time he or she desires, provided that the department director determines that the employee's absence will not be detrimental to departmental operations. The employee shall give the department director adequate notice of his or her intent to take leave. (Ord. 537-08, 2008; Ord. 527-07 2007; Ord. 23 (part) 1985; prior code §24.65.090)

2.70.580 Amount to be taken yearly. The minimum number of hours of annual leave that must be taken by all employees is 80 hours. This limitation shall not apply to new employees until January 1 of the calendar year following their date of hire. It shall be the responsibility of each department director to insure that work is conducted and vacation planning scheduled so that each employee in the department has the opportunity to use his or her hours of leave at a time that most nearly meets his or her desires, while still allowing the maintenance of city services at an adequate level. It shall be the responsibility of each department director to see that each employee under his or her supervision takes the minimum annual leave required by this section. The department director shall provide written justification to the city manager if an employee in his or her department fails to take the minimum number of annual leave hours required. Such written justification shall be made a part of the personnel file of the employee in question. (Ord. 537-08, 2008; Ord. 527-07, 2007; Ord. 292-93 §6, 1993; Ord. 250-92 §3, 1992; Ord. 23 (part) 1985; prior code §24.65.100)

2.70.585 Regular holidays not counted. A recognized holiday, which occurs during an employee's leave, shall not be counted as a day of leave. (Ord. 23 (part) 1985; prior code §24.65.110)

*Editor's Note: Former Section 2.70.566, Cash in Lieu of Accrued Leave—Sale of Leave to City, previously codified herein and containing portions of Ordinance No. 209-92 was repealed in its entirety by Ordinance No. 292-93, Section 5.

2.70.590 Exemptions. When it is not feasible nor in the best interest of the city service to grant requested leave to an employee, such employee shall not be penalized by loss of bona fide earned leave, and the limitations of accrued leave accumulation shall be temporarily suspended. The decision of the city manager shall

govern as to the further use of such leave. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.65.120)

2.70.595 Annual—Cash in lieu. An employee who has a balance of more than 240 hours of annual leave may submit a request to cash-in any number of annual leave hours at the employee's regular rate of pay so that the balance of remaining leave does not reduce the leave balance below 80 hours. An employee must submit their leave cash-in requests by November 15 to be paid with the first regular payroll in December. The leave use requirements as stated above are not diminished or alleviated by cash-in of annual leave. In documented cases of unforeseen financial emergencies, consistent with city policies of deferred compensation cash-in, the city manager may authorize the city to purchase an employee's annual leave at his/her regular rate of pay. (Ord. 537-08, 2008; Ord. 527-07, 2007; Ord. 250-92 §3,1992; Ord. 209-92 §3,1991; Ord.169-90 §6,1990; Ord. 23 (part) 1985; prior code §24.65.130)

2.70.600 Terminal leave. Employees terminated shall be paid for their accrued earned annual leave. Accrued annual leave shall not be granted nor paid to an employee upon separation during initial probation. Accrued leave shall be paid in a lump sum. The salary or hourly rate used in computing a cash payment shall be that rate being received by the employee on the date of application for cash payment or the date that a resignation/separation notice is signed by the employee. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.65.140)

2.70.605 Reinstated employees' leave. Reinstated employees must wait ninety days from their latest date of rehire before they will be permitted to use their accrued leave. Employees laid off due to a reduction of workforce are exempt from Section 2.70.605. (Ord. 169-90 §7, 1990; Ord. 23 (part) 1985; prior code §24.65.150)

2.70.610 Military leave.
A. Absence from city duty for the purpose of participating as a member of a United States reserve component, either in active military service of the state or in military training, shall be authorized as required by law. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.65.155)

2.70.615 Jury leave. Jury duty shall be treated as administrative leave from city duty without loss of longevity, leave or pay. Services in court performed by an employee when subpoenaed as a witness on behalf of the city, or when called as an expert on a matter of city concern, or relating to a municipal function, will be treated in the same manner as jury duty. In order to be entitled to jury leave, the employee shall provide his or her department director with written proof of the requirement of his or her presence for the hours claimed. Fees paid by the court (other than travel and subsistence allowance) shall be turned in for deposit to the city's general fund, except that fees paid for court duty occurring on the employee's normal nonworking days may be retained by the employee. Witness service for purposes other than those provided in this section will require use of annual leave or be considered leave without pay. The individual may retain any fees in this connection. (Ord. 537-08, 2008; Ord. 527-07, 2007; Ord. 23 (part) 1985; prior code §24.65.160)

2.70.620 Leave without pay. Leave without pay may be granted to an employee as required by law. No benefits will accrue while on leave without pay, except insurance, which will continue to be paid for thirty days or as required by law whichever is greater. (Ord. 537-08, 2008; Ord. 527-07, 2007; Ord. 23 (part) 1985; prior code §24.65.170)

2.70.625 Unauthorized leave. Any absence not authorized and approved in accordance with provisions of these regulations shall be without pay for the period of absence and shall be grounds for disciplinary action. (Ord. 23 (part) 1985; prior code §24.65.180)

2.70.627 Emergency leave and donating leave. An employee shall be given three paid working days off in a case of immediate family death. "Immediate family" consists of mother, father, brother, sister, wife, husband, grandmother, grandfather, children, grandchildren or stepchildren. Employees may donate their hours of leave to another employee only in cases where that employee is recovering from an accident or illness only after the employee receiving the donated leave has exhausted their accrued annual and sick leave. (Ord. 537-08, 2008; Ord. 527-07, 2007; Ord. 169-90 §8 1990)

2.70.633 Extended absence due to illness. Any absence for health reasons in excess of three working days or requiring hospitalization must have a signed release by a physician or physician assistant. (Ord. 35 (part) 1986)

ARTICLE XV. HOLIDAYS WITH PAY

2.70.635 Recognized city holidays. The following days shall be recognized as holidays with pay for all employees in regular full-time, permanent part-time and temporary full-time positions (excluding all temporary positions of less than fifteen working days' duration or not exceeding thirty-nine hours of work per week) who are in the pay status the day before and the day after the recognized holidays:

- A. The first of January, known as New Year's Day;
- B. The third Monday in February, known as Presidents' Day;
- C. The last Monday in May, known as Memorial Day;
- D. The Fourth of July, known as Independence Day;
- E. The first Monday in September, known as Labor Day;
- F. The third Friday in October, known as Alaska Day;
- G. The eleventh of November, known as Veterans' Day;
- H. The fourth Thursday in November, known as Thanksgiving Day, and the Friday immediately following Thanksgiving Day;
- I. The twenty-fifth day of December, known as Christmas Day, and one half working day immediately preceding Christmas Day; and
- J. One personal day.

(Ord. 292-93 §7, 1993; Ord. 194-91 §1, 1991; Ord. 35 (part) 1986; Ord. 23 (part) 1985; prior code § 24.70.010)

2.70.640 Holiday falling on Saturday or Sunday. When a recognized holiday falls on a Saturday, the preceding Friday shall be recognized in lieu thereof and treated as a holiday with respect to overtime compensation. When a recognized holiday falls on a Sunday, the Monday following shall be recognized in lieu thereof and treated as a holiday with respect to overtime compensation. (Ord. 23 (part) 1985; prior code §24.70.020)

2.70.645 Holiday during annual leave. A recognized city holiday, which occurs during an employee's annual leave, shall be counted as a holiday. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.70.030)

2.70.650 Holiday falling between two days of leave without pay. A holiday occurring between two days of leave without pay shall not be paid. (Ord. 23 (part) 1985; prior code §24.70.040)

2.70.655 Computation of holiday pay for permanent part-time employees. Part-time employees shall be paid holiday pay equivalent to the actual hours they would normally have worked on a day on which a holiday falls. (Ord. 23 (part) 1985; prior code §24.70.050)

ARTICLE XVI. SEPARATIONS

2.70.660 Resignations. To resign in good standing, an employee must present a written resignation to his appointing authority at least fourteen calendar days in advance of the day of termination. This requirement may be waived in writing by the department director where adequate provision can be made for a successor in that period of time, as well as under extenuating circumstances. A copy of the employee's resignation, as well as any waiver by the department director, shall be supplied by the appointing authority to the city manager. The city manager may conduct an investigation in order to verify the facts relating to a resignation. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.75.010)

2.70.665 Withdrawal of resignations. Once a written resignation has been submitted, an employee may not withdraw a resignation without the express written approval of the city manager. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.75.020)

2.70.670 Failure to give adequate notice. Failure to give adequate notice shall be noted on personnel separation transaction form if the requirement for such notice is not waived. This shall prevent the employee from preferential rehire. It may also be cause for denial of any future employment with the city. (Ord. 23 (part) 1985; prior code §24.75.030)

2.70.675 Layoffs. Examples of reasons for layoffs are:

- A. Abolishment of a position resulting from a shortage of work funds;
- B. Completion of seasonal work for a seasonal employee;

C. End of temporary appointment because of reinstatement of regular employee returned from military or other approved leave and transfer to another position in the same class has not been achieved.

When it is necessary to reduce the number of employees because of lack of work or funds or abolition of positions, the department director concerned shall make recommendations to the city manager, who shall decide which employees shall be laid off. Employee efficiency shall be the major factor in determining the order in which employees shall be released, and consideration shall then be given to employees' length of service with the city. The advisability of reassigning employees in higher classes to lower classes for which they are qualified and laying off those in lower classes shall also be considered. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.75.040)

2.70.680 Dismissal for disciplinary reasons. A department director may dismiss an employee for any just cause, including but not limited to, theft of property, inefficiency, insubordination, habitual tardiness unexcused absences and use of or influence from intoxicating beverages or drugs while on duty. Dismissal action shall be reported immediately to the city manager by personal consultation. A personnel evaluation report shall be submitted as soon as possible, setting forth the circumstances of the case. Any non-exempt employee shall be given the opportunity to participate in a pre-termination hearing. Any exempt employee shall be given the opportunity to participate in a post-termination "name clearing" hearing before the grievance committee or in public at the choice of the terminated exempt employee. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.75.050)

2.70.690 Dismissal notice or severance pay. In a case where a permanent employee is laid off, the city shall give the employee two weeks' notice or severance pay not to exceed two weeks. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.75.070)

ARTICLE XVII. SPECIAL PROVISIONS

2.70.695 Gifts and gratuities. It shall be the responsibility of each city employee to remain free from indebtedness or favors which would tend to create a conflict of interest between personal and official interests or might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is tendered or offered a gift or gratuity that would, in the eyes of the public or public officials, be construed as an attempt to bribe, influence or encourage special consideration with respect to municipal operations, such offer shall be reported without delay to the employee's immediate supervisor who in turn will inform the department director. If there is any doubt about whether a gift or gratuity is of such significance as to create undue influence upon an employee, the matter shall be reported to the department director concerned. If any employee knowingly accepts any gift or gratuity, which creates undue influence or results in special consideration, which benefits the giver, then, with the approval of the city manager, that employee shall be dismissed from the city service. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code § 24.80.010)

2.70.700 Outside employment.

A. No employee shall engage in any other employment, whether public, private or self-employment, during scheduled work hours nor outside scheduled work hours if such employment conflicts with the city's interests or adversely affects the employee's availability and usefulness. Supervisors are responsible for enforcing this regulation, and informing all employees under their supervision of its provisions.

B. The following types of other employment are considered contrary to the city's interests and to adversely affect the availability and usefulness of employees:

1. Preparation of financial reports subject to city audit or review;
2. For department or division directors, or supervisory personnel, service as an officer of any union or association of city employees other than one representing such supervisory position;
3. Active participation in the management of any business organization that obtains, or is attempting to obtain, funds or business from the city; and
4. Other employment wherein data or information to which access is provided by city employment could be used.

C. In administering this regulation, all management personnel shall encourage their employees to obtain written permission from the city manager through their supervisor before accepting other employment. (Ord. 537-08, 2008; Ord. 23 (part) 1985; prior code §24.80.020)

ARTICLE XVIII. TRAVEL EXPENSES

2.70.710 Per diem allowance. Officers and employees of the city, while traveling on official business away from the city, shall be allowed per diem allowance, which shall be established by resolution of the city council. (Ord. 292-93 §8, 1993; Ord. 23 (part) 1985; prior code §24.85.010)

2.70.715 Mileage allowance. Officials and employees of the city, while on official business away from the city, when using their own privately owned vehicle, shall be allowed mileage allowance, which shall be established by resolution of the city council. In addition to this mileage allowance, reimbursement shall be allowed for the actual cost of parking and other charges. (Ord. 292-93 §9, 1993; Ord. 23 (part) 1985; prior code §24.85.010)

ARTICLE XIX. PREVENTION OF SUBSTANCE ABUSE IN THE WORKPLACE

2.70.720 Substance Abuse Policy. It is the policy of the City of Whittier to achieve and maintain a safe work environment free from influence of alcohol and drug abuse through education, intervention and, where appropriate, drug and alcohol testing and disciplinary measures in order to assure the safety and protection of city employees, residents, visitors and facilities. The City prohibits the possession, use, distribution, or sale of alcohol or illicit drugs in the workplace or when conducting City business and requires employees, contractors, and volunteers to be free from illicit drugs and the influence of alcohol when entering upon the workplace, while on duty and when conducting City business. The City cannot tolerate impairment of employee performance

from the use of alcohol, drugs or other unlawful substances, including abuse of prescription drugs.

2.70.723 Substance Abuse Program.

A. The City Manager shall promulgate and enforce procedures for the implementation of WMC2.70.720 consistent with the personnel administration standards and procedures contained in WMC 2.70.010 et. seq., including, where appropriate:

1. Pre-employment drug testing for all safety sensitive and public safety positions and positions required by federal or state law or regulations to be subject to pre employment drug testing,
2. Random drug and alcohol testing of all employees, contractors and volunteers involved in transportation or other activities who are required by state or federal laws or regulations to submit to such random tests, at the frequency required under the state or federal laws or regulations,
3. Post accident drug and alcohol testing of an employee, contractor or volunteer involved in a work related accident, when testing is justified, including a vehicle accident or other event where state or federal laws or regulations require the employees associated with the accident to submit to post accident drug and alcohol tests,
4. Follow up random and return to duty testing of an employee who has either tested positive on an earlier test or has agreed to enter a rehabilitation program or counseling because of drug or alcohol induced problems, and
5. Reasonable suspicion drug and alcohol testing where any supervisor or other designated person who has received the minimum training required to recognize the symptoms of substance abuse has determined pursuant to established procedures that reasonable and specific grounds exist to believe that poor performance, unsafe or other acts of an employee, contractor or volunteer in the workplace are due to observed symptoms of being under the influence of drugs or alcohol.

The manager, upon a determination that a position covered under the general language of this subsection (A) does not have duties or responsibilities involving possible significant threats to employee or public safety, may exempt or reduce the testing requirements applicable to such position to the extent federal and state testing requirements do not apply to the position.

B. Where a state or federal law or regulation requires drug or alcohol testing of employees, contractors, volunteers or applicants, the City shall implement the applicable requirements. A testing program meeting applicable state and federal requirements is deemed to meet the requirements of subsection (A) of this section. This existence of state or federal testing requirements does not preclude the city manager from implementing a broader drug or alcohol-testing program.

C. The City Manager shall implement a program that will meet the requirements of the Drug Free Workplace Act of 1988. (Ord. 537-08, 2008; Ord. 341-97, §2, 1997 – Note: Sections 2.70.720 and 2.70.725 adopted under Ord. 337-96 repealed and reenacted as a new Article XIX)